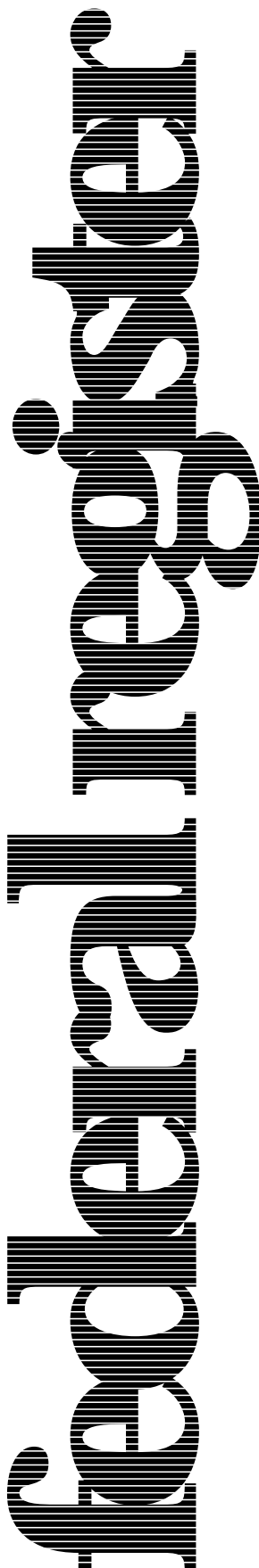


Wednesday
November 12, 1997



Briefings on how to use the Federal Register

For information on briefings in Washington, DC, see the announcement on the inside cover of this issue.

Now Available Online

Code of Federal Regulations

via

GPO Access

(Selected Volumes)

Free, easy, online access to selected *Code of Federal Regulations (CFR)* volumes is now available via *GPO Access*, a service of the United States Government Printing Office (GPO). *CFR* titles will be added to *GPO Access* incrementally throughout calendar years 1996 and 1997 until a complete set is available. GPO is taking steps so that the online and printed versions of the *CFR* will be released concurrently.

The *CFR* and *Federal Register* on *GPO Access*, are the official online editions authorized by the Administrative Committee of the Federal Register.

New titles and/or volumes will be added to this online service as they become available.

<http://www.access.gpo.gov/nara/cfr>

For additional information on *GPO Access* products, services and access methods, see page II or contact the *GPO Access* User Support Team via:

★ Phone: toll-free: 1-888-293-6498

★ Email: gpoaccess@gpo.gov



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online edition of the **Federal Register** on *GPO Access* is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs/, by using local WAIS client software, or by telnet to swais.access.gpo.gov, then login as guest. (no password required). Dial-in users should use communications software and modem to call (202) 512-1661; type swais, then login as guest (no password required). For general information about *GPO Access*, contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov; by faxing to (202) 512-1262; or by calling toll free 1-888-293-6498 or (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time, Monday-Friday, except for Federal holidays.

The annual subscription price for the **Federal Register** paper edition is \$555, or \$607 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is \$220. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$8.00 for each issue, or \$8.00 for each group of pages as actually bound; or \$1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 60 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 512-1800
Assistance with public single copies 512-1803

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 523-5243
Assistance with Federal agency subscriptions 523-5243

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations
- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: November 18, 1997 at 9:00 am.
WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202-523-4538



Contents

Federal Register

Vol. 62, No. 218

Wednesday, November 12, 1997

Agency for Health Care Policy and Research

NOTICES

Meetings:

Health Care Policy, Research, and Evaluation National
Advisory Council, 60720

Agriculture Department

See Animal and Plant Health Inspection Service

Animal and Plant Health Inspection Service

RULES

Interstate transportation of animals and animal products
(quarantine):

Brucellosis in cattle and bison—
State and area classifications, 60639

NOTICES

Environmental statements; availability, etc.:
Pink hibiscus mealybug; release of nonindigenous wasps
for use as biological control agents, 60683

Army Department

NOTICES

Military traffic management:

Defense table of official distances; transition, 60692

Commerce Department

See International Trade Administration

See National Oceanic and Atmospheric Administration

Customs Service

NOTICES

IRS interest rate used in calculating interest on overdue
accounts and refunds, 60747–60748

Defense Department

See Army Department

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 60691–
60692

Drug Enforcement Administration

NOTICES

Applications, hearings, determinations, etc.:

Johnson Matthey, Inc., 60729
Radian International LLC, 60729–60730

Education Department

NOTICES

Agency information collection activities:

Proposed collection; comment request, 60692–60693
Submission for OMB review; comment request, 60693–
60694

Vocational education; national center or centers for
research; authorization interpretation and waivers,
60752–60754

Energy Department

See Energy Efficiency and Renewable Energy Office

See Federal Energy Regulatory Commission

See Hearings and Appeals Office, Energy Department

NOTICES

Defense Nuclear Facilities Safety Board recommendations:
DOE complex; continuation of criticality safety at defense
nuclear facilities; extension notification, 60694

Meetings:

Environmental Management Site-Specific Advisory
Board—

Idaho National Engineering and Environmental
Laboratory, 60694–60695
Monticello Site, 60695

Energy Efficiency and Renewable Energy Office

NOTICES

Meetings:

Appliance Energy Efficiency Standards Advisory
Committee, 60695–60696

Environmental Protection Agency

RULES

Acquisition regulations:

Profit or fee calculations, 60664–60667

Pesticides; tolerances in food, animal feeds, and raw
agricultural commodities:

Corn gluten, 60660–60661

PROPOSED RULES

Air pollutants, hazardous; national emission standards:

Polyether polyols production, 60674–60675

Air programs:

Fuels and fuel additives—

Methyl tertiary butyl ether, etc.; baseline gasoline and
oxygenated gasoline categories; alternative tier 2
requirements, 60675–60676

NOTICES

Meetings:

Drinking water issues—

Contaminants; compliance monitoring; screening
procedures use; stakeholders, 60710

Pesticide registration, cancellation, etc.:

Green Devil Containing Malathion, etc., 60710–60711

Water pollution; discharge of pollutants (NPDES):

Louisiana; territorial seas; oil and gas extraction; general
permit; correction, 60750

Executive Office of the President

See Presidential Documents

Farm Credit Administration

NOTICES

Meetings; Sunshine Act, 60711

Federal Aviation Administration

RULES

Airworthiness directives:

Airbus, 60645–60647

Dornier, 60642–60644

Fokker, 60644–60645

Airworthiness standards:

Special conditions—

Learjet Inc. model 55 airplane, 60640–60642

Class D airspace and Class C airspace, 60647

Standard instrument approach procedures, 60647–60656

NOTICES

Aviation Rulemaking Advisory Committee; task assignments, 60745–60746

Meetings:

RTCA, Inc., 60746

Federal Communications Commission**RULES**

Radio broadcasting:

Coordination Zone designation; Arecibo Radio

Astronomy Observatory, PR

Correction, 60664

PROPOSED RULES

Television broadcasting:

Two-way transmissions; multipoint distribution service and instructional television fixed service licensees participation

Correction, 60750

NOTICES

Common carrier services:

Telecommunications relay services; State certification; applications accepted, 60711–60712

Rulemaking proceedings; petitions filed, granted, denied, etc., 60712

Federal Deposit Insurance Corporation**NOTICES**

Meetings; Sunshine Act, 60712

Federal Emergency Management Agency**RULES**

Flood insurance; communities eligible for sale:

New Jersey et al., 60662–60664

Federal Energy Regulatory Commission**NOTICES**

Electric rate and corporate regulation filings:

Energy 2000, Inc., et al., 60703–60706

Environmental statements; availability, etc.:

Union Electric Co., 60706

Hydroelectric applications, 60706

Applications, hearings, determinations, etc.:

ANR Pipeline Co., 60696–60697

Cinergy Services, Inc., 60697

CNG Transmission Corp., 60697

Conoco, Inc., 60697–60698

Duke Energy Corp., 60698

Equitrans, L.P., 60698

Granite State Gas Transmission, Inc., 60698

Jersey Central Power & Light Co. et al.; correction, 60750

Mississippi River Transmission Corp., 60698–60699

National Fuel Gas Supply Corp., 60699

NorAm Gas Transmission Co., 60699

Northwest Pipeline Corp., 60699–60700

Ohio Edison Co. et al., 60700

Sabine Pipe Line Co., 60700

Southern Natural Gas Co., 60700

Tennessee Gas Pipeline Co., 60701

Texas Gas Transmission Corp., 60701

Transcontinental Gas Pipe Line Corp., 60701–60702

Williams Natural Gas Co., 60702

Wyoming Interstate Co., Ltd., 60702–60703

Federal Reserve System**RULES**

Bank holding companies and change in bank control (Regulation Y):

Bank acquisition proposals, etc.; streamlining

Correction, 60639–60640

PROPOSED RULES

Depository institutions; reserve requirements (Regulation D):

Weekly reporters requirements; move to lagged reserve maintenance system, 60671–60672

NOTICES

Banks and bank holding companies:

Change in bank control; correction, 60750

Formations, acquisitions, and mergers, 60712–60713

Permissible nonbanking activities, 60713

Meetings; Sunshine Act, 60713

Multilateral settlement systems, privately operated; policy statement, 60713–60720

Federal Transit Administration**NOTICES**

Grants and cooperative agreements; availability, etc.:

New Starts criteria, 60756–60758

Financial Management Service

See Fiscal Service

Fiscal Service**NOTICES**

Book-entry Treasury securities held at Federal Reserve banks, transfer; 1998 fee schedule, 60748

Surety companies acceptable on Federal bonds:

Cumberland Surety Insurance Co., Inc., 60748–60749

Fish and Wildlife Service**PROPOSED RULES**

Endangered and threatened species:

Newcomb's snail, 60676

Food and Drug Administration**RULES**

Animal drugs, feeds, and related products:

New drug applications—

Amprolium plus ethopabate with bacitracin zinc and roxarsone, 60657–60658

Chloretetracycline powder, 60656

Lasalocid, 60657

Neomycin sulfate oral solution, 60656–60657

NOTICES

Agency information collection activities:

Proposed collection; comment request, 60720–60721

Food for human consumption:

Beverages—

Bottled water; appropriate methods of informing customers of contents; feasibility study and comment request, 60721–60723

Foreign Claims Settlement Commission**NOTICES**

Meetings; Sunshine Act, 60730

Health and Human Services Department

See Agency for Health Care Policy and Research

See Food and Drug Administration

See National Institutes of Health

Hearings and Appeals Office, Energy Department**NOTICES**

Cases filed, 60706–60708

Special refund procedures; implementation, 60708–60709

Housing and Urban Development Department**NOTICES**

Grant and cooperative agreement awards:

Historically black colleges and universities program,
60726–60728

Immigration and Naturalization Service**NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 60730–
60731

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

See Surface Mining Reclamation and Enforcement Office

International Trade Administration**NOTICES**

Antidumping:

Cut-to-length carbon steel plate from—
Finland, 60683–60684

Heavy forged hand tools, finished or unfinished, with or
without handles, from—
China, 60684–60688

Small diameter circular seamless carbon and alloy steel
standard, line and pressure pipe from—
Germany, 60688

Steel wire strand for prestressed concrete from—
Japan, 60688–60690

Export trade certificates of review, 60690–60691

Justice Department

See Drug Enforcement Administration

See Foreign Claims Settlement Commission

See Immigration and Naturalization Service

NOTICES

Meetings:

President's Advisory Board on Race, 60728–60729

Labor Department

See Mine Safety and Health Administration

Land Management Bureau**NOTICES**

Realty actions; sales, leases, etc.:

New Mexico, 60728

Mine Safety and Health Administration**PROPOSED RULES**

Program policy letters:

Occupational illnesses of miners, including retired or
inactive miners; reporting requirements, 60673–
60674

National Archives and Records Administration**NOTICES**

Agency records schedules; availability, 60731

National Institutes of Health**NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 60723

Meetings:

National Cancer Institute, 60723–60724

National Institute of Dental Research, 60725

National Institute of Diabetes and Digestive and Kidney
Diseases, 60725

National Institute of Environmental Health Sciences,
60726

National Institute of Mental Health, 60724–60725

National Institute on Aging, 60724

Scientific Review Center special emphasis panels, 60726

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Ice and slime standard allowances for unwashed

Pacific halibut and sablefish, 60667–60670

PROPOSED RULES

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Bering Sea and Aleutian Islands and Gulf of Alaska
groundfish, 60682

Northeastern United States fisheries—

Northeast multispecies, 60676–60682

NOTICES

Permits:

Marine mammals, 60691

Nuclear Regulatory Commission**NOTICES**

Meetings; Sunshine Act, 60737

Applications, hearings, determinations, etc.:

Florida Power Corp., 60731–60737

Presidential Documents**PROCLAMATIONS**

Special observances:

Day of Concern About Young People and Gun Violence,

National (Proc. 7049), 60637–60638

Veterans Day (Proc. 7050), 60761–60762

Public Debt Bureau

See Fiscal Service

Public Health Service

See Agency for Health Care Policy and Research

See Food and Drug Administration

See National Institutes of Health

Research and Special Programs Administration**NOTICES**

Hazardous materials:

Safety advisories—

HC-12a (liquefied petroleum gas); unauthorized cans
used to package and transport, 60746–60747

Pipeline safety:

Advisory bulletins—

Potential failure of check valves following
remanufacturing, 60747

Securities and Exchange Commission**NOTICES**

Self-regulatory organizations; proposed rule changes:

Chicago Board Options Exchange, Inc., 60738–60739

Pacific Exchange, Inc., 60739–60743

Applications, hearings, determinations, etc.:

Brandywine Realty Trust, 60737

Small Business Administration**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 60743–60744

Submission for OMB review; comment request, 60744

Disaster loan areas:

Northern Mariana Islands, 60744

Social Security Administration**PROPOSED RULES**

Social security benefits:

Disability benefits reduction on account of workers' compensation and public disability benefits and payments; proration methods, 60672

State Justice Institute**NOTICES**

Meetings; Sunshine Act, 60744

Surface Mining Reclamation and Enforcement Office**RULES**

Permanent program and abandoned mine land reclamation plan submissions:

Virginia, 60658–60660

Surface Transportation Board**NOTICES**

Rail carriers:

Waybill data; release for use, 60747

Transportation Department

See Federal Aviation Administration

See Federal Transit Administration

See Research and Special Programs Administration

See Surface Transportation Board

NOTICES

Aviation proceedings:

Agreements filed; weekly receipts, 60744–60745

Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 60745

Treasury Department

See Customs Service

See Fiscal Service

Separate Parts In This Issue**Part II**

Department of Education, 60752–60754

Part III

Department of Transportation, Federal Transit Administration, 60756–60758

Part IVThe President, 60761–60762

Reader AidsAdditional information, including a list of telephone numbers, finding aids, reminders, and a list of Public Laws appears in the Reader Aids section at the end of this issue.

Electronic Bulletin BoardFree **Electronic Bulletin Board** service for Public Law numbers, **Federal Register** finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Proclamations:**

7049.....60637
7050.....60761

9 CFR

78.....60639

12 CFR

225.....60639

Proposed Rules:

204.....60671

14 CFR

25.....60640
39 (4 documents)60642,
60643, 60644, 60645
71.....60647
97 (3 documents)60647,
60651, 60653

20 CFR**Proposed Rules:**

404.....60672

21 CFR

520 (2 documents)60656
558 (2 documents)60657

30 CFR

946.....60658

Proposed Rules:

50.....60673

40 CFR

180.....60660

Proposed Rules:

63.....60674
79.....60675

44 CFR

64.....60662

47 CFR

5.....60664
21.....60664
22.....60664
23.....60664
24.....60664
25.....60664
26.....60664
27.....60664
73.....60664
74.....60664
78.....60664
80.....60664
87.....60664
90.....60664
95.....60664
97.....60664
101.....60664

Proposed Rules:

1.....60750
21.....60750
74.....60750

48 CFR

1515.....60664
1552.....60664

50 CFR

679.....60667

Proposed Rules:

17.....60676
648.....60676
679.....60677

Presidential Documents

Title 3—**Proclamation 7049 of November 6, 1997****The President****National Day of Concern About Young People and Gun Violence, 1997****By the President of the United States of America****A Proclamation**

On this day in America, as on every other day, children will die by gunfire, and many of them will be killed because other children are pulling the trigger. This is a stark and sad reality and a call to each of us, not only to raise public awareness of a national tragedy, but also to do everything within our power to end the killing.

There is some encouraging news. The Department of Justice recently reported that violent crime among youths dropped by more than 9 percent in 1996. However, we still have a long way to go in our efforts to save lives and help ensure a brighter future for our children.

One of my Administration's highest law enforcement priorities is to protect our children from violent crime, and we are especially concerned with stopping crimes committed by young people. I am pleased that eight of the Nation's largest gun manufacturers have responded to my Administration's call to provide child safety lock devices with every handgun they sell. We proposed a \$60 million increase for the Safe and Drug-Free Schools Program this year, which reaches almost all of our Nation's school districts. These funds will help communities protect students from violence. My Administration also proposed funding for after-school initiatives in communities across the country to give our young people something positive to say yes to, to keep them off the streets, and to keep them out of trouble. Through our Anti-Gang and Youth Violence Strategy, we are working to provide for more prosecutors and probation officers, tougher penalties, and better gang prevention efforts.

But government alone cannot guarantee our children will grow up free from violence and fear. Parents, teachers, religious and community leaders, businesses, youth organizations, and especially young people themselves have a vital part to play. Parents and other adults must set a good example for the children in their care and teach them right from wrong. Adults who own a gun have a responsibility to keep that weapon out of the hands of our youth. Communities must unite to keep schools safe and to provide young people with positive, fulfilling activities after school and during summers and holidays. Most important, young people themselves have a duty to learn that violence solves nothing; to act responsibly when confronted by peer pressure by relying on their own good judgment, and to encourage their friends and classmates to resolve conflicts peacefully.

I am heartened by the knowledge that hundreds of thousands of young Americans across the country will have an opportunity on this National Day of Concern to sign the Student Pledge Against Gun Violence. By making this earnest promise never to take a gun to school, never to use a gun to settle a dispute, and to use their influence to keep their friends from using guns, these young people will take a giant step toward a brighter, safer future.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 6, 1997, as a National Day of Concern About Young People and Gun Violence. On this day, I call upon young Americans in classrooms and communities across the country to make a solemn decision about their future by signing the Student Pledge Against Gun Violence. I further urge all Americans to help our Nation's young people avoid violence and grow up to be healthy, happy, productive adults.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord nineteen hundred and ninety-seven, and of the Independence of the United States of America the two hundred and twenty-second.

A handwritten signature in black ink, reading "William J. Clinton". The signature is written in a cursive style with a large, stylized "W" and "C".

[FR Doc. 97-29907
Filed 11-10-97; 8:45 am]
Billing code 3195-01-P

Rules and Regulations

Federal Register

Vol. 62, No. 218

Wednesday, November 12, 1997

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 97-036-2]

Brucellosis in Cattle; State and Area Classifications; Iowa

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Iowa from Class A to Class Free. We have determined that Iowa meets the standards for Class Free status. The interim rule was necessary to relieve certain restrictions on the interstate movement of cattle from Iowa.

EFFECTIVE DATE: The interim rule was effective on July 14, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. R. T. Rollo, Jr., Staff Veterinarian, National Animal Health Programs, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737-1231, (301) 734-7709; or e-mail: rrollo@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective July 14, 1997, and published in the **Federal Register** on July 18, 1997 (62 FR 38443-38445, Docket No. 97-036-1), we amended the brucellosis regulations in 9 CFR part 78 by removing Iowa from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a).

Comments on the interim rule were required to be received on or before

September 16, 1997. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 78 and that was published at 62 FR 38443-38445 on July 18, 1997.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 5th day of November 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-29711 Filed 11-10-97; 8:45 am]

BILLING CODE 3410-34-P

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y; Docket Nos. R-0935; R-0936]

Bank Holding Companies and Change in Bank Control (Regulation Y); Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction to an amendment.

SUMMARY: The Board is correcting an error in the text of the comprehensive amendments to Regulation Y (Bank Holding Companies and Change in Bank Control) that appeared in the **Federal Register** on February 28, 1997. The correction restores the time limit required for Board action in processing

nonexpedited notices under section 4 of the Bank Holding Company Act (BHC Act) that was inadvertently deleted from the text of the final rule.

EFFECTIVE DATE: November 12, 1997.

FOR FURTHER INFORMATION CONTACT: Walter R. McEwen, Attorney (202/452-3321), Legal Division, Board of Governors of the Federal Reserve System. For the hearing impaired only, contact Diane Jenkins, Telecommunication Device for the Deaf (TDD), (202/452-3544), Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On February 19, 1997, the Board adopted comprehensive amendments to Regulation Y (Bank Holding Companies and Change in Bank Control) to improve the competitiveness of bank holding companies by eliminating unnecessary regulatory burden and operating restrictions, and by streamlining the application/notice process.¹ In taking this action, the Board stated in the preamble that proposals that did not qualify for expedited processing under the new streamlined procedures would be processed under the Board's current procedures.² The procedures at that time and the specific provisions of the BHC Act, required action on any notice considered by the Board to engage in nonbanking activities under section 4 of the Bank Holding Company Act ("BHC Act") within 60 calendar days after the submission of a complete notice, and the text of the amendments proposed for public comment contained a provision describing the time limit required for Board action.³ This 60-day processing schedule was included in the rule as proposed in August 1996.

The final rule, however, inadvertently omitted that provision. The correction would restore the time-limit provision as originally proposed, thereby conforming the final rule to the Board's stated intent in the preamble and to the specific provisions of the BHC Act. The notice also changes certain cross-references in light of this amendment.

The provisions of 5 U.S.C. 553 relating to notice, public participation, and deferred effective date do not apply

¹ See 62 FR 9290 (February 28, 1997).

² See 62 FR at 9293.

³ See 225.24(d)(2)(ii), 61 FR 47242, 47272 (September 6, 1996).

to this amendment because the change to be effected corrects an inadvertent deletion from the rule as proposed, is necessary to prevent confusion in the administration of the Board's processing guidelines for nonexpedited notices under section 4 of the BHC Act, is technical and procedural in nature, and does not constitute a substantive rule subject to the requirements of that section. Moreover, because it restores a statutorily required processing schedule, the proposal reduces burden by assuring timely processing of applications subject to System action.

List of Subjects in 12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the Board amends part 225 of chapter II of title 12 of the Code of Federal Regulations as follows:

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

1. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828o, 1831i, 1831p-1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331-3351, 3907, and 3909.

2. Under subpart C, § 225.24 is amended as follows:

- a. Paragraph (d)(2) is revised;
 - b. Paragraphs (d)(3) and (d)(4) are redesignated as paragraphs (d)(4) and (d)(5); and
 - c. A new paragraph (d)(3) is added.
- The revision and addition read as follows:

§ 225.24 Procedures for other nonbanking proposals.

* * * * *

(d) * * *

(2) *Board action; internal schedule.*

The Board seeks to act on every notice referred to it for decision within 60 days of the date that the notice is filed with the Reserve Bank. If the Board is unable to act within this period, the Board shall notify the notificant and explain the reasons and the date by which the Board expects to act.

(3)(i) *Required time limit for System action.* The Board or the Reserve Bank shall act on any notice under this section within 60 days after the submission of a complete notice.

(ii) *Extension of required period for action (A) In general.*—The Board may extend the 60-day period required for Board action under paragraph (d)(3)(i) of

this section for an additional 30 days upon notice to the notificant.

(B) *Unlisted activities.* If a notice involves a proposal to engage in an activity that is not listed in § 225.28, the Board may extend the period required for Board action under paragraph (d)(3)(i) of this section for an additional 90 days. This 90-day extension is in addition to the 30-day extension period provided in paragraph (d)(3)(ii)(A) of this section. The Board shall notify the notificant that the notice period has been extended and explain the reasons for the extension.

* * * * *

3. Under subpart C, § 225.25 is amended by revising paragraph (b)(1) as follows:

§ 225.25 Hearings, alteration of activities, and other matters.

* * * * *

(b) *Approval through failure to act.* (1) Except as provided in paragraph (a) of this section or § 225.24(d)(5), a notice under this subpart shall be deemed to be approved at the conclusion of the period that begins on the date the complete notice is received by the Reserve Bank or the Board and that ends 60 calendar days plus any applicable extension and tolling period thereafter.

* * * * *

By order of the Board of Governors of the Federal Reserve System, under delegated authority, November 6, 1997.

William W. Wiles,
Secretary of the Board.

[FR Doc. 97-29762 Filed 11-10-97; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM-144; Special Conditions No. 25-ANM-134]

Special Conditions: Learjet Inc. Model 55 Airplane; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Learjet Model 55 airplanes modified by Learjet. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These special conditions contain the additional safety

standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

DATES: The effective date of these special conditions is October 31, 1997. Comments must be received on or before December 29, 1997.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-144, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM-144. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Connie Beane, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; telephone (425) 227-2796; facsimile (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special condition number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-144." The postcard will be date stamped and returned to the commenter.

Background

On August 27, 1997, Learjet Inc. applied for a supplemental type

certificate (STC) to modify Learjet Model 55 airplanes listed on Type Certificate A10CE. The modification incorporates the installation of a digital electronic flight instrument system (EFIS) for display of critical flight parameters (attitude) to the crew. These displays can be susceptible to disruption to both command/response signals as a result of electrical and magnetic interference. This disruption of signals could result in loss of all critical flight displays and annunciations or present misleading information to the pilot.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Learjet Inc. must show that the Learjet Model 55 airplane, as changed, continues to meet the applicable provisions of the regulations incorporated by reference in Type Certificate A10CE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The certification basis for the modified Model 55 airplane includes 14 CFR part 25, as amended by Amendments 25-2 through 25-4, 25-7, 25-10, 25-12, 25-18, 25-21, 25-30, and certain later amendments, special conditions, exemptions, and optional requirements listed in the type certificate data sheet that are not relevant to these special conditions. In addition, the certification basis for the modifications, and for areas affected by the modifications, will be amended to include the following sections:

Section	Amendment	Title
25.901 25.1301(d)	25-38 25-38	Installation. Function and Installation.
25.1303	25-38	Flight and navigation instruments.
25.1309	25-41	Equipment, systems, and installations.
25.1321	25-41	Arrangement and visibility.
25.1322	25-38	Warning, caution, and advisory lights.
25.1331	25-41	Instruments using a power supply.
25.1333	25-41	Instrument systems.
25.1335	25-41	Flight director systems.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Learjet Model 55 airplane because of novel or unusual design features, special conditions are

prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49 after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should Learjet Inc. apply at a later date for design change approval to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The modified Learjet Model 55 will incorporate a new electronic flight instrument system that performs critical functions. This system may be vulnerable to HIRF external to the airplane.

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Learjet Model 55, which require that new electrical and electronic systems, such as the EFIS, that perform critical functions be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit

window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraphs 1, or 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated.

Frequency	Peak (V/M)	Average (V/M)
10 KHz–100 KHz	50	50
100 KHz–500 KHz	60	60
500 KHz–2 MHz	70	70
2 MHz–30 MHz	200	200
30 MHz–100 MHz	30	30
100 MHz–200 MHz	150	33
200 MHz–400 MHz	70	70
400 MHz–700 MHz	4,020	935
700 MHz–1 GHz	1,700	170
1 GHz–2 GHz	5,000	990
2 GHz–4 GHz	6,680	840
4 GHz–6 GHz	6,850	310
6 GHz–8 GHz	3,600	670
8 GHz–12 GHz	3,500	1,270
12 GHz–18 GHz	3,500	360
18 GHz–40 GHz	2,100	750

Applicability

As discussed above, these special conditions are applicable to Learjet Model 55 airplanes modified by Learjet. Should Learjet apply at a later date for design change approval to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain design features on Learjet Model 55 airplanes modified by Learjet. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of the special conditions for this airplane has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein.

For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions immediately. Therefore, these special conditions are being made effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Learjet Model 55 airplanes modified by Learjet Inc.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated fields.

For the purpose of these special conditions, the following definition applies:

Critical Functions. Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on October 31, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.

[FR Doc. 97-29730 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-219-AD; Amendment 39-10199; AD 97-23-11]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes, that requires modifying the main landing gear (MLG) bay areas by installing additional slush protection covers in those areas. This amendment is prompted by the identification of a problem during flight test analysis, which indicated that slush can accumulate in the MLG bay areas. The actions specified by this AD are intended to prevent the accumulation of slush in the MLG bay areas, which could freeze and interfere with the landing gear or render it inoperative.

DATES: Effective December 17, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 17, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Dornier Deutsche Aerospace, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes was published in the **Federal Register** on March 12, 1997 (62 FR 11390). That action proposed to require modifying the main landing gear (MLG) bay areas by installing additional slush protection covers in those areas.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 40 Dornier Model 328-100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. The cost of required parts will be negligible. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$19,200, or \$480 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97-23-11 Dornier: Amendment 39-10199. Docket 96-NM-219-AD.

Applicability: Model 328-100 series airplanes, serial numbers 3005 through 3063 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the accumulation of slush in the main landing gear (MLG) bay areas that could freeze and interfere with the landing gear and result in it becoming inoperative, accomplish the following:

(a) Within 90 days after the effective date of this AD, modify the MLG bay areas by installing additional slush protection covers in those areas in accordance with Dornier Service Bulletin SB-328-30-132, dated October 11, 1995.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to

a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Dornier Service Bulletin SB-328-30-132, dated October 11, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dornier Deutsche Aerospace, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in German airworthiness directive 95-412, dated November 2, 1995.

(e) This amendment becomes effective on December 17, 1997.

Issued in Renton, Washington, on November 3, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-29445 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-115-AD; Amendment 39-10198; AD 97-23-10]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes, that requires modification of the cable tension regulator on both the left and right elevators by installing certain parts on the lever arm of the regulator. This amendment is prompted by a report indicating that design testing and analysis have shown applied loads could cause the regulator's lever arm to break. The actions specified by this AD are intended to prevent failure of the regulator, and consequent reduced controllability of the airplane.

DATES: Effective December 17, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 17, 1997.

ADDRESSES: The service information referenced in this AD may be obtained

from Dornier Deutsche Aerospace, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes was published in the **Federal Register** on March 12, 1997 (62 FR 11386). That action proposed to require modification of the cable tension regulator on both the left and right elevators by installing certain parts on the lever arm of the regulator.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 27 Dornier Model 328-100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$3,240, or \$120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or

on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97-23-10 Dornier: Amendment 39-10198. Docket 96-NM-115-AD.

Applicability: Model 328-100 series airplanes having serial numbers 3005 through 3045 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not

been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the cable tension regulator on both the left and right elevators, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 6 months after the effective date of this AD, modify the cable tension regulator on both the left and right elevators by installing two lateral plates on the lever arm, in accordance with Dornier Service Bulletin SB-328-27-116, dated September 26, 1995.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Dornier Service Bulletin SB-328-27-116, dated September 26, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dornier Deutsche Aerospace, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in German airworthiness directive 95-434, dated November 14, 1995.

(e) This amendment becomes effective on December 17, 1997.

Issued in Renton, Washington, on November 3, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-29444 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-165-AD; Amendment 39-10200; AD 97-23-12]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 and 0070 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 and 0070 series airplanes, that requires replacement of the fusible pin in the upper torque link of the main landing gear with an improved pin. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent reduced structural integrity and potential collapse of the main landing gear.

DATES: Effective December 17, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 17, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 and 0070 series airplanes was published in the **Federal Register** on August 11, 1997 (62 FR 42951). That action proposed to require replacement of the fusible pin in the upper torque link of the main landing gear with an improved pin.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

The commenters state that the proposed AD does not affect their fleet of airplanes.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 10 Fokker Model F28 Mark 0100 and 0070 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$8,400, or \$840 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97-23-12 Fokker: Amendment 39-10200. Docket 97-NM-165-AD.

Applicability: Model F28 Mark 0100 and 0070 series airplanes, equipped with Menasco Aerospace Ltd. main landing gears having part number (P/N) 41050, including the fusible upper torque link pin having P/N 41223-1; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity and potential collapse of the main landing gear, accomplish the following:

(a) Within 12 months after the effective date of this AD, replace any main landing gear upper torque link fusible pin having P/N 41223-1 with a pin having P/N 41223-3, in accordance with Fokker Service Bulletin SBF100-32-099, dated June 14, 1996.

(b) As of the effective date of this AD, no person shall install a main landing gear upper torque link fusible pin having P/N 41223-1 on any airplane.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then

send it to the Manager, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The replacement shall be done in accordance with Fokker Service Bulletin SBF100-32-099, dated June 14, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Dutch airworthiness directive BLA 1996-074 (A), dated June 28, 1996.

(f) This amendment becomes effective on December 17, 1997.

Issued in Renton, Washington, on November 3, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-29443 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-167-AD; Amendment 39-10201; AD 97-23-13]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320 and A321 series airplanes, that requires a one-time inspection for discrepancies of the release cable of the forward and rear passenger doors, and replacement of any discrepant release cable with a new release cable. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to

prevent failure of the passenger door to open and consequent inability of the slide/slide raft to deploy, which could delay or impede passengers when exiting the airplane during an emergency.

DATES: Effective December 17, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 17, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A320 and A321 series airplanes was published in the **Federal Register** on August 7, 1997 (62 FR 42430). That action proposed to require a one-time inspection for discrepancies of the release cable of the forward and rear passenger doors, and replacement of any discrepant release cable with a new release cable.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 132 Airbus Model A320 and A321 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact

of the AD on U.S. operators is estimated to be \$7,920, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97-23-13 Airbus Industrie: Amendment 39-10201. Docket 97-NM-167-AD.

Applicability: Model A320 and A321 series airplanes, as specified in French

airworthiness directive 96-171-083(B), dated August 28, 1996, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of the slide/slide raft to deploy due to a failure of the passenger door, which could delay or impede passengers when exiting the airplane during an emergency, accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, perform a detailed inspection of each release cable at the left- and right-hand side of doors 1 and 4 for any discrepancy, in accordance with Airbus All Operators Telex (AOT) 25-12, Revision 1, dated March 21, 1996. If any discrepancy is found, prior to further flight, replace the release cable in accordance with the AOT.

Note 2: This AD supersedes any relief provided by the Master Minimum Equipment List (MMEL).

(b) As of the effective date of this AD, no person shall install a release cable, part number C37103-101 or C37103-103, on any airplane unless the release cable has been inspected to detect any discrepancy in accordance with Airbus All Operators Telex (AOT) 25-12, Revision 1, dated March 21, 1996. If any discrepancy is detected in accordance with the AOT, that release cable shall not be installed.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspection and replacement shall be done in accordance with Airbus All Operators Telex (AOT) 25-12, Revision 1, dated March 21, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C.

552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 96-171-083(B), dated August 28, 1996.

(f) This amendment becomes effective on December 17, 1997.

Issued in Renton, Washington, on November 3, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-29446 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93-AWA-16]

RIN 2120-AA66

Modification of Class D Airspace South of Abbotsford, British Columbia (BC), on the United States Side of the U.S./Canadian Border, and the Establishment of a Class C Airspace Area in the Vicinity of Point Roberts, Washington (WA)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; delay of effective date.

SUMMARY: This action delays the effective date for the modification of Class D Airspace South of Abbotsford, British Columbia (BC), on the United States Side of the U.S./Canadian Border, and the Establishment of a Class C Airspace Area in the Vicinity of Point Roberts, Washington (WA) until further notice. Nav-Canada requested a delay in implementation of the expanded airspace to accommodate a new review process for air traffic procedures.

DATES: The effective date of Airspace Docket No. 93-AWA-16 (FR. Doc. 97-22972) is delayed until further notice.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION: Airspace Docket No. 93-AWA-16, published in the **Federal Register** on August 28,

1997, (62 FR 45526), established a Class C airspace area in the United States (U.S.), southeast of Vancouver, BC in the vicinity of Point Roberts, WA., and extended the existing Abbotsford, BC, Class D airspace 7 miles to the west. This action was originally scheduled to become effective on November 6, 1997; however, a delay by NAV-Canada in implementing procedures to provide service in the newly established airspace areas requires that the effective date be delayed until further notice.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation (1) is not a: significant regulatory action under Executive Order 12866; (2) is not a "significant rule" under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Delay of Effective Date

The effective date on Airspace Docket 93-AWA-16 is hereby delayed until, further notice.

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

* * * * *

Issued in Washington, DC, on November 5, 1997.

Nancy B. Kalinowski,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 97-29705 Filed 11-6-97; 9:31 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29055; Amdt No. 1834]

RIN 2120-AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAPs contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable Standard

Instrument Approach Procedures (SIAPs) will be altered to include "or GPS" in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS procedure is developed, the procedure title will be altered to remove "or GPS" from these non-localizer, non-precision instrument approach procedure titles.) Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on October 31, 1997.

Richard O. Gordon,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

Note: The FAA published an Amendment in Docket No. 29050, Amdt. No 1831 to Part 97 of the Federal Aviation Regulations (VOL

62 FR No. 207 Pages 55505, 55506, 55507 and 55508; dated Oct 27 1997) under Section 97.23, 97.27, 97.33 and 97.35 effective Jan 1, 1997, which is hereby amended as follows:

Change Effective Date to Jan 1, 1998 for the following procedures:

Texarkana, AR, Texarkana Regional-Webb Field, NDB or GPS RWY 22, Amdt 11B CANCELLED

Texarkana, AR, Texarkana Regional-Webb Field, NDB RWY 22, Amdt 11B

Rensselaer, IN, Jasper County NDB or GPS RWY 18, Amdt 3A CANCELLED

Rensselaer, IN, Jasper County, NDB RWY 18, Amdt 3A

Winchester, IN, Randolph County, NDB or GPS RWY 25, Amdt 4 CANCELLED

Winchester, IN, Randolph County, NDB RWY 25, Amdt 4

Chapel Hill, NC, Horace Williams, VOR/DME RNAV or GPS RWY 9, Orig CANCELLED

Chapel Hill, NC, Horace Williams, VOR/DME RNAV RWY 9, Orig

Chapel Hill, NC, Horace Williams, VOR/DME or GPS RWY 27, Orig-B CANCELLED

Chapel Hill, NC, Horace Williams, VOR/DME RWY 27, Orig-B

London, OH, Madison County, NDB or GPS RWY 8, Amdt 7 CANCELLED

London, OH, Madison County, NDB RWY 8, Amdt 7

Cincinnati, OH, Cincinnati-Blue Ash, NDB or GPS RWY 24, Amdt 1A CANCELLED

Cincinnati, OH, Cincinnati-Blue Ash, NDB RWY 24, Amdt 1A

Cheraw, SC, Cheraw Muni/Lynch Bellinger Field, NDB or GPS RWY 25, Amdt 1 CANCELLED

Cheraw, SC, Cheraw Muni/Lynch Bellinger Field, NDB RWY 25, Amdt 1

* * * Effective Jan 1, 1998

Soldotna, AK, Soldotna, RNAV or GPS RWY 7, Amdt 3 CANCELLED

Soldotna, AK, Soldotna, VOR/DME RNAV or GPS RWY 7, Amdt 3

Soldotna, AK, Soldotna, RNAV RWY 25, Amdt 3 CANCELLED

Soldotna, AK, Soldotna, VOR/DME RNAV RWY 25, Amdt 3

Auburn, AL, Auburn-Opelika Robert G. Pitts, RNAV or GPS RWY 36, Amdt 3A CANCELLED

Auburn, AL, Auburn-Opelika Robert G. Pitts, VOR/DME RNAV or GPS RWY 36, Amdt 3A

Mobile, AL, Mobile Downtown, RNAV or GPS RWY 36, Orig CANCELLED

Mobile, AL, Mobile Downtown, VOR/DME RNAV or GPS RWY 16, Orig

Montgomery, AL, Dannelly Field, RNAV or GPS RWY 3, Amdt5A CANCELLED

Montgomery, AL, Dannelly Field, VOR/DME RNAV or GPS RWY 3, Amdt 5A

Crossett, AR, Z M Jack Stell Field, RNAV or GPS RWY 23, Orig A CANCELLED

Crossett, AR, Z M Jack Stell Field, VOR/DME RNAV or GPS RWY 23, Orig A

Window Rock, AZ, Window Rock, RNAV or GPS RWY 2, Amdt 1 CANCELLED

Window Rock, AZ, Window Rock, VOR/DME RNAV or GPS RWY 2, Amdt 1

Yuma, AZ, Yuma MCAS/Yuma Intl, RNAV or GPS RWY 21R, Amdt 3 CANCELLED

Yuma, AZ, Yuma MCAS/Yuma Intl, VOR/DME RNAV or GPS RWY 21R, Amdt 3

- Eureka, CA, Murray Field, RNAV or GPS RWY 11, Amdt 5 CANCELLED
- Eureka, CA, Murray Field, VOR/DME RNAV or GPS RWY 11, Amdt 5
- Ukiah, CA, Ukiah Muni, RNAV or GPS-B, Amdt 4 Cancelled
- Ukiah, CA, Ukiah Muni, VOR/DME RNAV or GPS-B, Amdt 4
- Vacaville, CA, Nut Tree, RNAV or GPS RWY 20, Amdt 1 CANCELLED
- Vacaville, CA, Nut Tree, VOR/DME RNAV or GPS RWY 20, Amdt 1
- Meeker, CO, Meeker, RNAV or GPS RWY 3, Orig CANCELLED
- Meeker, CO, Meeker, VOR/DME RNAV or GPS RWY 3, Orig
- Washington, DC, Washington National, RNAV-A Amdt 6 CANCELLED
- Washington, DC, Washington National, VOR/DME RNAV-A Amdt 6
- Washington, DC, Washington National, RNAV or GPS RWY 3, Amdt 6 CANCELLED
- Washington, DC, Washington National, VOR/DME RNAV or GPS RWY 3, Amdt 6
- Washington, DC, Washington National, RNAV or GPS RWY 33, Amdt 5 CANCELLED
- Washington, DC, Washington National, VOR/DME RNAV or GPS RWY 33, Amdt 5
- Gainesville, FL, Gainesville Regional, RNAV or GPS RWY 28, Amdt 5 CANCELLED
- Gainesville, FL, Gainesville Regional, VOR/DME RNAV or GPS RWY 28, Amdt 5
- Kissimmee, FL, Kissimmee Muni, RNAV or GPS RWY 15, Amdt 5 CANCELLED
- Kissimmee, FL, Kissimmee Muni, VOR/DME RNAV or GPS RWY 15, Amdt 5
- Perry, FL, Perry-Foley, RNAV or GPS RWY 18, Amdt 1 CANCELLED
- Perry, FL, Perry-Foley, VOR/DME RNAV or GPS RWY 18, Amdt 1
- Punta Gorda, FL, Charlotte County, RNAV RWY 27, Orig CANCELLED
- Punta Gorda, FL, Charlotte County, VOR/DME RNAV RWY 27, Orig
- Athens, GA, Athens/Ben Epps, RNAV or GPS RWY 9, Amdt 1 CANCELLED
- Athens, GA, Athens/Ben Epps, VOR/DME RNAV or GPS RWY 9, Amdt 1
- Athens, GA, Athens/Ben Epps, RNAV or GPS RWY 20, Amdt 2 CANCELLED
- Athens, GA, Athens/Ben Epps, VOR/DME RNAV or GPS RWY 20, Amdt 2
- Augusta, GA, Daniel Field, RNAV RWY 11, Amdt 5A CANCELLED
- Augusta, GA, Daniel Field, VOR/DME RNAV RWY 11, Amdt 5A
- Brunswick, GA, Glynco Jetport RNAV RWY 7, Amdt 6B CANCELLED
- Brunswick, GA, Glynco Jetport VOR/DME RNAV RWY 7, Amdt 6B
- Brunswick, GA, Glynco Jetport, RNAV or GPS RWY 25, Amdt 6B CANCELLED
- Brunswick, GA, Glynco Jetport, VOR/DME RNAV or GPS RWY 25, Amdt 6B
- Cedartown, GA, Cornelius-Moore Field, RNAV or GPS RWY 10, Amdt 2A CANCELLED
- Cedartown, GA, Cornelius-Moore Field, VOR/DME RNAV or GPS RWY 10, Amdt 2A
- Cedartown, GA, Cornelius-Moore Field, RNAV or GPS RWY 28, Amdt 2 Cancelled
- Cedartown, GA, Cornelius-Moore Field, VOR/DME RNAV or GPS RWY 28, Amdt 2
- Dublin, GA, W.H. "Bud" Barron, RNAV or GPS RWY 20, Amdt 2 CANCELLED
- Dublin, GA, W.H. "Bud" Barron, VOR/DME RNAV or GPS RWY 20, Amdt 2
- Eastman, GA, Heart of Georgia Regional, RNAV or GPS RWY 2, Amdt 2 CANCELLED
- Eastman, GA, Heart of Georgia Regional, VOR/DME RNAV or GPS RWY 2, Amdt 2
- La Grange, GA, Callaway, RNAV or GPS RWY 31, Amdt 3 CANCELLED
- La Grange, GA, Callaway, VOR/DME RNAV or GPS RWY 31, Amdt 3
- Cedar Rapids, IA, Cedar Rapids Muni, RNAV or GPS RWY 13, Amdt 8 CANCELLED
- Cedar Rapids, IA, Cedar Rapids Muni, VOR/DME RNAV or GPS RWY 13, Amdt 8
- Cedar Rapids, IA, Cedar Rapids Muni, RNAV or GPS RWY 31, Amdt 7 CANCELLED
- Cedar Rapids, IA, Cedar Rapids Muni, VOR/DME RNAV or GPS RWY 31, Amdt 7
- Forest City, IA, Forest City Muni, RNAV or GPS RWY 33, Orig-A CANCELLED
- Forest City, IA, Forest City Muni, VOR/DME RNAV or GPS RWY 33, Orig-A
- Fort Dodge, IA, Fort Dodge Regional, RNAV or GPS RWY 6, Amdt 6 CANCELLED
- Fort Dodge, IA, Fort Dodge Regional, VOR/DME RNAV or GPS RWY 6, Amdt 6
- Fort Dodge, IA, Fort Dodge Regional, RNAV or GPS RWY 24, Amdt 5A CANCELLED
- Fort Dodge, IA, Fort Dodge Regional, VOR/DME RNAV or GPS RWY 24, Amdt 5A
- Maquoketa, IA, Maquoketa Muni, RNAV or GPS RWY 33, Orig-A CANCELLED
- Maquoketa, IA, Maquoketa Muni, VOR/DME RNAV or GPS RWY 33, Orig-A
- Mason City, IA, Mason City Muni, RNAV or GPS RWY 30, Amdt 5 CANCELLED
- Mason City, IA, Mason City Muni, VOR/DME RNAV or GPS RWY 30, Amdt 5
- Muscatine, IA, Muscatine Muni, RNAV RWY 23, Orig-A CANCELLED
- Muscatine, IA, Muscatine Muni, VOR/DME RNAV RWY 23, Orig-A
- Oelwein, IA, Oelwein Muni, RNAV or GPS RWY 13, Amdt 2 CANCELLED
- Oelwein, IA, Oelwein Muni, VOR/DME RNAV or GPS RWY 13, Amdt 2
- Ottumwa, IA, Ottumwa Industrial, RNAV or GPS RWY 22, Amdt 3 CANCELLED
- Ottumwa, IA, Ottumwa Industrial, VOR/DME RNAV or GPS RWY 22, Amdt 3
- Burley, ID Burley Muni, RNAV or GPS RWY 20, Amdt 2 CANCELLED
- Burley, ID, Burely Muni, VOR/DME RNAV or GPS RWY 20, Amdt 2
- Chicago/Waukegan, IL, Waukegan Regional, RNAV or GPS RWY 5, Amdt 1 CANCELLED
- Chicago/Waukegan, IL, Waukegan Regional, VOR/DME RNAV or GPS RWY 5, Amdt 1
- Danville, IL, Vermilion County, RNAV or GPS RWY 34, Amdt 4 CANCELLED
- Danville, IL, Vermilion County, VOR/DME RNAV or GPS RWY 34, Amdt 4
- Joliet, IL, Joliet Park District, RNAV RWY 12, Amdt 12 CANCELLED
- Joliet, IL, Joliet Park District, VOR/DME RNAV RWY 12, Amdt 12
- Kankakee, IL, Greater Kankakee, RNAV RWY 22, Amdt 3 CANCELLED
- Kankakee, IL, Greater Kankakee, VOR/DME RNAV RWY 22, Amdt 3
- Moline, IL, Quad-City, RNAV or GPS RWY 31, Amdt 9 CANCELLED
- Moline, IL, Quad-City, VOR/DME RNAV or GPS RWY 31, Amdt 9
- Pekin, IL, Pekin Muni, RNAV or GPS RWY 9, Amdt 4 CANCELLED
- Pekin, IL, Pekin Muni, VOR/DME RNAV or GPS RWY 9, Amdt 4
- Peoria, IL, Greater Peoria Regional, RNAV or GPS RWY 22, Amdt 8 CANCELLED
- Peoria, IL, Greater Peoria Regional, VOR/DME RNAV or GPS RWY 22, Amdt 8
- Quincy, IL, Quincy Muni-Baldwin Field, RNAV or GPS RWY 13, Amdt 4 CANCELLED
- Quincy, IL, Quincy Muni-Baldwin Field, VOR/DME RNAV or GPS RWY 13, Amdt 4
- Quincy, IL, Quincy Muni-Baldwin Field, RNAV or GPS RWY 31, Amdt 3 CANCELLED
- Quincy, IL, Quincy Muni-Baldwin Field, VOR/DME RNAV or GPS RWY 31, Amdt 3
- Elkhart, IN, Elkhart Muni, RNAV or GPS RWY 17, Amdt 3
- Elkhart, IN, Elkhart Muni, VOR/DME RNAV or GPS RWY 17, Amdt 3
- Kentland, IN, Kentland Muni, RNAV or GPS RWY 27, Orig CANCELLED
- Kentland, IN, Kentland Muni, VOR/DME RNAV or GPS RWY 27, Orig
- Valparaiso, IN, Porter County Muni, RNAV or GPS RWY 9, Amdt 2A CANCELLED
- Valparaiso, IN, Porter County Muni, VOR/DME RNAV or GPS RWY 9, Amdt 2A
- Topeka, KS, Forbes Field, RNAV RWY 13 Amdt 3A
- Topeka, KS, Forbes Field, VOR/DME RNAV RWY 13 Amdt 3A
- Topeka, KS, Philip Billard Muni, RNAV or GPS RWY 18, Amdt 6 CANCELLED
- Topeka, KS, Philip Billard Muni, VOR/DME RNAV or GPS RWY 18, Amdt 6
- Wichita, KS, Beech Factory, RNAV or GPS RWY 18, Orig CANCELLED
- Wichita, KS, Beech Factory, VOR/DME RNAV or GPS RWY 18, Orig
- Wichita, KS, Beech Factory, RNAV or GPS RWY 18, Orig CANCELLED
- Wichita, KS, Beech Factory, VOR/DME RNAV or GPS RWY 18, Orig
- Wichita, KS, Beech Factory, RNAV or GPS RWY 36, Orig CANCELLED
- Wichita, KS, Beech Factory, VOR/DME RNAV or GPS RWY 36, Orig
- Elizabethtown, KY, Addington Field, RNAV or GPS RWY 5, Amdt 2 CANCELLED
- Elizabethtown, KY, Addington Field, VOR/DME RNAV or GPS RWY 5, Amdt 2
- Lake Charles, LA, Lake Charles Regional, RNAV or GPS RWY 5, Amdt 3 CANCELLED
- Lake Charles, LA, Lake Charles Regional, VOR/DME RNAV or GPS RWY 5, Amdt 3
- Lake Charles, LA, Lake Charles Regional, RNAV or GPS RWY 23, Amdt 3A CANCELLED
- Lake Charles, LA, Lake Charles Regional, VOR/DME RNAV or GPS RWY 23, Amdt 3A
- Baltimore, MD, Baltimore-Washington Intl, RNAV RWY 22, Amdt 6A CANCELLED
- Baltimore, MD, Baltimore-Washington Intl, VOR/DME RNAV RWY 22, Amdt 6A
- Salisbury, MD, Salisbury-Wicomico County Regional, RNAV or GPS RWY 5, Amdt 3B CANCELLED

- Salisbury, MD, Salisbury-Wicomico County Regional, VOR/DME RNAV or GPS RWY 5, Amdt 3B
- Salisbury, MD, Salisbury-Wicomico County Regional, RNAV or GPS RWY 23, Amdt 3A CANCELLED
- Salisbury, MD, Salisbury-Wicomico County Regional, VOR/DME RNAV or GPS RWY 23, Amdt 3A
- Ann Arbor, MI, Ann Arbor Muni, RNAV RWY 24, Amdt 6A CANCELLED
- Ann Arbor, MI, Ann Arbor Muni, VOR/DME RNAV RWY 24, Amdt 6A Menominee, MI, Menominee-Marquette Twin County, RNAV or GPS RWY 21, Amdt 1A CANCELLED
- Menominee, MI, Menominee-Marquette Twin County, VOR/DME RNAV or GPS RWY 21, Amdt 1A
- Minneapolis, MN, Anoka County-Blaine Arpt (Janes Field), RNAV or GPS RWY 17, Amdt 2A CANCELLED
- Minneapolis, MN, Anoka County-Blaine Arpt (Janes Field), VOR/DME RNAV or GPS RWY 17, Amdt 2A CANCELLED
- Minneapolis, MN, Anoka County-Blaine Arpt (Janes Field), VOR/DME RNAV or GPS RWY 17, Amdt 2A
- Redwood Falls, MN, Redwood Falls Muni, RNAV or GPS RWY 30, Orig CANCELLED
- Redwood Falls, MN, Redwood Falls Muni, VOR/DME RNAV or GPS RWY 30, Orig
- Ava, MO, Ava Bill Martin Memorial, RNAV or GPS RWY 31, Amdt 1 CANCELLED
- Ava, MO, Ava Bill Martin Memorial, VOR/DME RNAV or GPS RWY 31, Amdt 1
- Fulton, MO, Elton Hensley Memorial, RNAV or GPS RWY 5, Amdt 1 CANCELLED
- Fulton, MO, Elton Hensley Memorial, VOR/DME RNAV or GPS RWY 5, Amdt 1
- Malden, MO, Malden Muni, RNAV or GPS RWY 13, Orig CANCELLED
- Malden, MO, Malden Muni, VOR/DME RNAV or GPS RWY 13, Orig
- Moberly, MO, Omar N. Bradley, RNAV or GPS RWY 13, Amdt 1 CANCELLED
- Moberly, MO, Omar N. Bradley, VOR/DME RNAV or GPS RWY 13, Amdt 1
- Moberly, MO, Omar N. Bradley, RNAV or GPS RWY 31, Amdt 1 CANCELLED
- Moberly, MO, Omar N. Bradley, VOR/DME RNAV or GPS RWY 31, Amdt 1
- Monroe City, MO, Monroe City Regional, RNAV RWY 27 Orig-A CANCELLED
- Monroe City, MO, Monroe City Regional, VOR/DME RNAV RWY 27 Orig-A
- Neosho, MO, Neosho Memorial, RNAV or GPS RWY 19, Amdt 3 CANCELLED
- Neosho, MO, Neosho Memorial, VOR/DME RNAV or GPS RWY 19, Amdt 3
- Rolla/Vichy, MO, Rolla National, RNAV OR GPS RWY 22, Amdt 2A CANCELLED
- Rolla/Vichy, MO, Rolla National, VOR/DME RNAV or GPS RWY 22, Amdt 2A
- St Joseph, MO, Rosecrans Memorial, RNAV or GPS RWY 17, Amdt 4 CANCELLED
- St Joseph, MO, Rosecrans Memorial, VOR/DME RNAV or GPS RWY 17, Amdt 4
- Springfield, MO, Springfield-Branson Regional, RNAV or GPS RWY 14, Amdt 4 CANCELLED
- Springfield, MO, Springfield-Branson Regional, VOR/DME RNAV or GPS RWY 14, Amdt 4
- Bay St Louis, MS, Stennis Intl, RNAV or GPS RWY 18, Amdt 2A CANCELLED
- Bay St Louis, MS, Stennis Intl, VOR/DME RNAV or GPS RWY 18, Amdt 2A
- Greenwood, MS, Greenwood-lefflore, RNAV RWY 18, Amdt 6 CANCELLED
- Greenwood, MS, Greenwood-lefflore, VOR/DME RNAV RWY 18, Amdt 6
- Greenwood, MS, Greenwood-lefflore, RNAV or GPS RWY 36, Amdt 3 CANCELLED
- Greenwood, MS, Greenwood-lefflore, VOR/DME RNAV or GPS RWY 36, Amdt 3
- Jackson, MS, Hawkins Field, RNAV RWY 16, Amdt 4A CANCELLED
- Jackson, MS, Hawkins Field, VOR/DME RNAV RWY 16, Amdt 4A
- McComb, Mc Comb-Pike County-John E. Lewis Field, RNAV or GPS RWY 33, Amdt 6 CANCELLED
- Mc Comb, MS, Mc Comb-Pike County-John E. Lewis Field, VOR/DME RNAV or GPS RWY 33, Amdt 6
- Meridian, MS, Key Field, RNAV or GPS RWY 19, Amdt 3 CANCELLED
- Meridian, MS, Key-Field, VOR/DME RNAV or GPS RWY 19, Amdt 3
- Oxford, MS, University-Oxford, RNAV or GPS RWY 9, Amdt 2 CANCELLED
- Oxford, MS, University-Oxford, VOR/DME RNAV or GPS RWY 9, Amdt 2
- Oxford, MS, University-Oxford, RNAV or GPS RWY 27, Amdt 2 CANCELLED
- Oxford, MS, University-Oxford, VOR/DME RNAV or GPS RWY 27, Amdt 2
- Starkville, MS, George M Bryan, RNAV or GPS RWY 36, Orig, CANCELLED
- Starkville, MS, George M Bryan, VOR/DME RNAV or GPS RWY 36, Orig
- West Point, MS, McCharen Field, RNAV or GPS RWY 36, Amdt 3A CANCELLED
- West Point, MS, McCharen Field, VOR/DME RNAV or GPS RWY 36, Amdt 3A
- Greenville, NC, Pitt-Greenville, RNAV RWY 25, Amdt 3A CANCELLED
- Greenville, NC, Pitt-Greenville, VOR/DME RNAV RWY 25, Amdt 3A
- Southern Pines, NC, Moore County, RNAV RWY 23, Amdt 3 CANCELLED
- Southern Pines, NC, Moore County, VOR/DME RNAV RWY 23, Amdt 3
- Matawan, NJ, Marlboro, RNAV or GPS RWY 9, Amdt 1 CANCELLED
- Matawan, NJ, Marlboro, VOR/DME RNAV or GPS RWY 9, Amdt 1
- Somerville, NJ, Somerset, RNAV or GPS RWY 12, Amdt 2 CANCELLED
- Somerville, NJ, Somerset, VOR/DME RNAV or GPS RWY 12, Amdt 2
- Lovington, NM, Lea County-Zip Franklin Memorial, RNAV or GPS RWY 3, Orig CANCELLED
- Lovington, NM, Lea County-Zip Franklin Memorial, VOR/DME RNAV or GPS RWY 3, Orig
- Buffalo, NY, Greater Buffalo Intl, RNAV or GPS RWY 23, Orig CANCELLED
- Buffalo, NY, Greater Buffalo Intl, VOR/DME RNAV or GPS RWY 23, Orig
- Buffalo, NY, Greater Buffalo Intl, RNAV or GPS RWY 32, Amdt 5A CANCELLED
- Buffalo, NY, Greater Buffalo Intl, VOR/DME RNAV or GPS RWY 32, Amdt 5A
- Newburgh, NY, Stewart Intl, RNAV or GPS RWY 16, Amdt 2A CANCELLED
- Newburgh, NY, Stewart Intl, VOR/DME RNAV or GPS RWY 16, Amdt 2A
- Newburgh, NY, Stewart Intl, RNAV or GPS RWY 27, Amdt 1A CANCELLED
- Newburgh, NY, Stewart Intl, VOR/DME RNAV or GPS RWY 27, Amdt 1A
- Olean, NY, Cattaraugus County-Olean, RNAV RWY 22, Amdt 4A CANCELLED
- Olen, NY, Cattaraugus County-Olean, VOR/DME RNAV RWY 22, Amdt 4A
- Poughkeepsie, NY, Dutchess County, RNAV or GPS RWY 6, Amdt 5 CANCELLED
- Poughkeepsie, NY, Dutchess County, VOR/DME RNAV or GPS RWY 6, Amdt 5
- Elk City, OK, Elk City Muni, RNAV or GPS RWY 17, Amdt 2A CANCELLED
- Elk City, OK, Elk City Muni, VOR/DME RNAV or GPS RWY 17, Amdt 2A
- Grove, OK, Grove Muni, RNAV RWY 18, Amdt 2 CANCELLED
- Grove, OK, Grove Muni, VOR/DME RNAV RWY 18, Amdt 2
- Grove, OK, Grove Muni, RNAV or GPS RWY 36, Amdt 2 CANCELLED
- Grove, OK, Grove Muni, VOR/DME RNAV or GPS RWY 36, Amdt 2
- Norman, OK, University Of Oklahoma Westhimer Airpark, RNAV or GPS RWY 3, Orig A CANCELLED
- Norman, OK, University Of Oklahoma Westhimer Airpark, VOR/DME RNAV or GPS RWY 3, Orig A
- Butler, PA, Butler County/K W Scholter Field, RNAV or GPS RWY 36, Amdt 2 CANCELLED
- Butler, PA, Butler County/K W Scholter Field, VOR/DME RNAV or GPS RWY 26, Amdt 2
- Du Bois, PA, Du Bois-Jefferson County, RNAV or GPS RWY 7, Amdt 1 CANCELLED
- Du Bois, PA, Du Bois-Jefferson County, VOR/DME RNAV or GPS RWY 7, Amdt 1
- Latrobe, PA, Westmoreland County, RNAV RWY 5, Amdt 1 CANCELLED
- Latrobe, PA, Westmoreland County, VOR/DME RNAV RWY 5, Amdt 1
- Philadelphia, PA, Northeast Philadelphia, RNAV or GPS RWY 15, Amdt 2 CANCELLED
- Philadelphia, PA, Northeast Philadelphia, VOR/DME RNAV or GPS RWY 15, Amdt 2
- Philadelphia, PA, Northeast Philadelphia, RNAV or GPS RWY 33, Amdt 4 CANCELLED
- Philadelphia, PA, Northeast Philadelphia, VOR/DME RNAV or GPS RWY 33, Amdt 4
- Philadelphia, PA, Philadelphia Intl, RNAV or GPS RWY 17, Amdt 4, CANCELLED
- Philadelphia, PA, Philadelphia Intl, VOR/DME RNAV or GPS RWY 17, Amdt 4
- Philadelphia, PA, Philadelphia Intl, RNAV or GPS RWY 35, Amdt 3A CANCELLED
- Philadelphia, PA, Philadelphia Intl, VOR/DME RNAV or GPS RWY 35, Amdt 3A
- Reading, PA, Reading Regional/Carl A Spaatz Field, RNAV or GPS RWY 13, Amdt 7 CANCELLED
- Reading, PA, Reading Regional/Carl A Spaatz Field, VOR/DME RNAV or GPS RWY 13, Amdt 7
- Reading, PA, Reading Regional/Carl A Spaatz Field, RNAV or GPS RWY 18, Amdt 5 CANCELLED
- Reading, PA, Reading Regional/Carl A Spaatz Field, VOR/DME RNAV or GPS RWY 18, Amdt 5
- St. Marys, PA, St. Marys Muni, RNAV RWY 10, Amdt 5A CANCELLED

St. Marys, PA, St. Marys Muni, VOR/DME RNAV RWY 10, Amdt 5A
 St. Marys, PA, St. Marys Muni, RNAV RWY 28, Amdt 5 CANCELLED
 St. Marys, PA, St. Marys Muni, VOR/DME RNAV RWY 28, Amdt 5
 Charleston, SC, Charleston Executive, RNAV RWY 9, Amdt 5A CANCELLED
 Charleston, SC, Charleston Executive, VOR/DME RNAV RWY 9, Amdt 5A
 Columbia, SC, Columbia Metropolitan, RNAV or GPS RWY 5, Orig-A CANCELLED
 Columbia, SC, Columbia Metropolitan, VOR/DME RNAV or GPS RWY 5, Orig-A
 Columbia, SC, Columbia Owens Downtown, RNAV RWY 31, Orig CANCELLED
 Columbia, SC, Columbia Owens Downtown, VOR/DME RNAV RWY 31, Orig
 Hilton Head Island, SC, Hilton Head, RNAV or GPS RWY 3, Amdt 4A CANCELLED
 Hilton Head Island, SC, Hilton Head, VOR/DME RNAV or GPS RWY 3, Amdt 4A
 Hilton Head Island, SC, Hilton Head, RNAV RWY 21, Amdt 4B CANCELLED
 Hilton Head Island, SC, Hilton Head, VOR/DME RNAV RWY 21, Amdt 4B
 Mount Pleasant, SC, East Cooper, RNAV or GPS RWY 17, Orig CANCELLED
 Mount Pleasant, SC, East Cooper, VOR/DME RNAV or GPS RWY 17, Orig
 Spartanburg, SC, Spartanburg Downtown Memorial, RNAV or GPS RWY 5, Amdt 6B CANCELLED
 Spartanburg, SC, Spartanburg Downtown Memorial, VOR/DME RNAV or GPS RWY 5, Amdt 6B
 Austin, TX, Lakeway Airport, RNAV or GPS RWY 16, Amdt 1 CANCELLED
 Austin, TX, Lakeway Airport, VOR/DME RNAV or GPS RWY 16, Amdt 1
 Brownsville, TX, South Padre Island Intl, RNAV or GPS RWY 17, Amdt 3 CANCELLED
 Brownsville, TX, South Padre Island Intl, VOR/DME RNAV or GPS RWY 17, Amdt 3
 Brownsville, TX, South Padre Island Intl, RNAV or GPS RWY 35, Amdt 3 CANCELLED
 Brownsville, TX, South Padre Island Intl, VOR/DME RNAV or GPS RWY 35, Amdt 3
 Giddings, TX, Giddings-Lee County, RNAV or GPS RWY 35, Orig CANCELLED
 Giddings, TX, Giddings-Lee County, VOR/DME RNAV or GPS RWY 35, Orig
 Houston, TX, David Wayne Hooks Memorial, RNAV or GPS RWY 17R, Amdt 3 CANCELLED
 Houston, TX, David Wayne Hooks Memorial, VOR/DME RNAV or GPS RWY 17R, Amdt 3
 Houston, TX, David Wayne Hooks Memorial, RNAV or GPS RWY 35L, Amdt 3 CANCELLED
 Houston, TX, David Wayne Hooks Memorial, VOR/DME RNAV or GPS RWY 35L, Amdt 3
 Houston, TX, Houston-Southwest, RNAV or GPS RWY 9, Amdt 1B CANCELLED
 Houston, TX, Houston-Southwest, VOR/DME RNAV or GPS RWY 9, Amdt 1B
 Houston, TX, Houston-Southwest, RNAV or GPS RWY 27, Amdt 2B CANCELLED
 Houston, TX, Houston-Southwest, VOR/DME RNAV or GPS RWY 27, Amdt 2B

Houston, TX, West Houston, RNAV or GPS RWY 15, Amdt 2 CANCELLED
 Houston, TX, West Houston, VOR/DME RNAV or GPS RWY 15, Amdt 2
 Houston, TX, West Houston, RNAV or GPS RWY 33, Amdt 2 CANCELLED
 Houston, TX, West Houston, VOR/DME RNAV or GPS RWY 33, Amdt 2
 Junction, TX, Kimble County, RNAV or GPS RWY 17, Amdt 2 CANCELLED
 Junction, TX, Kimble County, VOR/DME RNAV or GPS RWY 17, Amdt 2
 Midland, TX, Midland Intl, RNAV or GPS RWY 16R, Amdt 2 CANCELLED
 Midland, TX, Midland Intl, VOR/DME RNAV or GPS RWY 16R, Amdt 2
 Midland, TX, Midland Intl, RNAV or GPS RWY 34L, Amdt 1 CANCELLED
 Midland, TX, Midland Intl, VOR/DME RNAV or GPS RWY 34L, Amdt 1
 Marshall, TX, Harrison County, RNAV or GPS RWY 33, Amdt 1B CANCELLED
 Marshall, TX, Harrison County, VOR/DME RNAV or GPS RWY 33, Amdt 1B
 Mineola/Quitman, TX, Mineola-Quitman, RNAV or GPS RWY 18, Amdt 1A CANCELLED
 Mineola/Quitman, TX, Mineola-Quitman, VOR/DME RNAV or GPS RWY 18, Amdt 1A
 Lewisburg, TN, Ellington, RNAV or GPS RWY 20, Orig CANCELLED
 Lewisburg, TN, Ellington, VOR/DME RNAV or GPS RWY 20, Orig
 Shelbyville, TN, Bomar Field-Shelbyville Muni, RNAV or GPS RWY 18, Amdt 3 CANCELLED
 Shelbyville, TN, Bomar Field-Shelbyville Muni, VOR/DME RNAV or GPS RWY 18, Amdt 3
 Tullahoma, TN, Tullahoma Regional Arpt/Wm Northern Field, RNAV or GPS RWY 36, Amdt 4 CANCELLED
 Tullahoma, TN, Tullahoma Regional Arpt/Wm Northern Field, VOR/DME RNAV or GPS RWY 36, Amdt 4
 Ogden, TU, Ogden-Hinckley, RNAV or GPS RWY 3, Orig CANCELLED
 Ogden, TU, Ogden-Hinckley, VOR/DME RNAV or GPS RWY 3, Orig
 Roosevelt, UT, Roosevelt Muni, RNAV or GPS RWY 25, Amdt 1A CANCELLED
 Roosevelt, UT, Roosevelt Muni, VOR/DME RNAV or GPS RWY 25, Amdt 1A
 Danville, VA, Danville Regional, RNAV or GPS RWY 20, Amdt 1 CANCELLED
 Danville, VA, Danville Regional, VOR/DME RNAV or GPS RWY 20, Amdt 1
 Norfolk, VA Norfolk Intl, RNAV or GPS RWY 14, Amdt 4, CANCELLED
 Norfolk, VA Norfolk Intl, VOR/DME RNAV or GPS RWY 14, Amdt 4,
 Wise, VA, Lonesome Pine, RNAV or GPS RWY 24, Amdt 2 CANCELLED
 Wise, VA, Lonesome Pine, VOR/DME RNAV or GPS RWY 24, Amdt 2
 Quincy, WA, Quincy Muni, RNAV or GPS RWY 27, Orig CANCELLED
 Quincy, WA, Quincy Muni, VOR/DME RNAV or GPS RWY 27, Orig
 Spokane, WA, Spokane Intl, RNAV or GPS RWY 21, Orig CANCELLED
 Spokane, WA, Spokane Intl, VOR/DME RNAV or GPS RWY 21, Orig
 Lone Rock, WI, Tri-County Regional, RNAV or GPS RWY 27, Amdt 6 CANCELLED

Lone Rock, WI, Tri-County Regional, VOR/DME RNAV, or GPS RWY 27, Amdt 6
 Madison, WI, Morey, RNAV or GPS RWY 12, Amdt 3 CANCELLED
 Madison, WI, Morey, VOR/DME RNAV or GPS RWY 12, Amdt 3
 Portage, WI, Portage Muni, RNAV or GPS RWY 17, Amdt 3 CANCELLED
 Portage, WI, Portage Muni, VOR/DME RNAV or GPS RWY 17, Amdt 3
 West Bend, WI, West Bend Muni, RNAV or GPS RWY 13, Amdt 5 CANCELLED
 West Bend, WI, West Bend Muni, VOR/DME RNAV or GPS RWY 13, Amdt 5
 [FR Doc. 97-29728 Filed 11-10-97; 8:45 am]
 BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29054; Amdt. No. 1833]

RIN 2120-AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR

part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on October 31, 1997.

Richard O. Gordon,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective December 4, 1997*

Des Moines, IA, Des Moines Intl, ILS RWY 31R, Amdt 20
Minneapolis, MN, Minneapolis-St. Paul Intl/Wold-Chamberlain, ILS PRM RWY 30L, (Simultaneous Close Parallel), Amdt 1
Minneapolis, MN, Minneapolis-St. Paul Intl/Wold-Chamberlain, ILS PRM RWY 30R, (Simultaneous Close Parallel), Amdt 1
Lee's Summit, MO, Lee's Summit Municipal, NDB RWY 18, Orig
Lee's Summit, MO, Lee's Summit Municipal, NDB RWY 36, Orig
St Louis, MO, Lambert-St Louis Intl, ILS RWY 6, Orig

* * * *Effective January 1, 1998*

Grass Valley, CA, Nevada County Air Park, VOR OR GPS-A, Amdt 1
Huslia, AK, Huslia, VOR/DME RWY 3, Orig
Huslia, AK, Huslia, VOR/DME RWY 21, Orig
Nome, AK, Nome, MLS RWY 9, Orig
Stuart, FL, Witham Field, GPS RWY 12, Orig-A, CANCELLED
Winter Haven, FL, Winter Haven's Gilbert, VOR/DME OR GPS-A, Amdt 6
Boone, IA, Boone Muni, NDB OR GPS RWY 32, Amdt 6
Boone, IA, Boone Muni, COPTER NDB OR GPS 225, Amdt 4
Dwight, IL, Dwight, NDB OR GPS 1 RWY 27, Amdt 3, CANCELLED
Dwight IL, Dwight, GPS RWY 27, Orig
Greenville, MS, Mid Delta Regl, GPS RWY 18L, Orig

Greenville, MS, Mid Delta Regl, GPS RWY 18R, Orig
 Greenville, MS, Mid Delta Regl, GPS RWY 36L, Orig
 Greenville, MS, Mid Delta Regl, GPS RWY 36R, Orig
 Chapel Hill, NC, Horace Williams, GPS RWY 27, Orig
 Smithfield, NC, Johnston County, NDB RWY 3, Orig
 Smithfield, NC, Johnston County, ILS RWY 3, Orig
 Smithfield, NC, Johnston County, LOC/DME RWY 3, AMDT 1, CANCELLED
 Smithfield, NC, Johnston County, NDB OR GPS RWY 21, Amdt 6
 Crete, NE, Crete Muni, VOR/DME OR GPS RWY 17, Amdt 3
 Crete, NE, Crete Muni, VOR/DME RWY 35, Amdt 3
 Crete, NE, Crete Muni, NDB RWY 17, Amdt 2
 Crete, NE, Crete Muni, NDB RWY 35, Amdt 2
 Crete, NE, Crete Muni, GPS RWY 35, Orig
 Lumberton, NJ, Flying W, VOR OR GPS-A, Amdt 2
 Lumberton, NJ, Flying W, GPS RWY 1, Orig
 Lumberton, NJ, Flying W, GPS RWY 19, Orig
 Syracuse, NY, Syracuse Hancock Intl, VOR RWY 14, Amdt 22
 Syracuse, NY, Syracuse Hancock Intl, GPS RWY 10, Orig
 Syracuse, NY, Syracuse Hancock Intl, GPS RWY 14 Orig
 Syracuse, NY, Syracuse Hancock Intl, GPS RWY 28, Orig
 Syracuse, NY, Syracuse Hancock Intl, GPS RWY 32, Orig
 Wilmington, OH, Clinton Field, GPS RWY 21, Orig
 Tulsa, OK, Tulsa Intl, GPS RWY 26 Orig
 Tullahoma, TN, Tullahoma Regional Airport/WM Northern Field, VOR OR GPS-A, AMDT 3A, CANCELLED
 Tullahoma, TN, Tullahoma Regional Airport/WM Northern Field, VOR/DME-A, Orig
 Amarillo, TX, Amarillo Intl, GPS RWY 22, CANCELLED
 Fort Worth, TX, Bourland Field, GPS RWY 17, Orig
 Gillette, WY, Gillette-Campbell County, LOC/DME BC RWY 16, Amdt 3
 Manassas, VA, Manassas Regional/Harry P Davis Field, ILS RWY 16L, Amdt 4
 Manassas, VA, Manassas Regional/Harry P Davis Field, GPS RWY 16L, Orig
 Manassas, VA, Manassas Regional/Harry P Davis Field GPS RWY 34R, Orig
 Osceola, WI, L O Simenstad Muni, NDB RWY 28, Amdt 10
 Osceola, WI, L O Simenstad Muni, GPS RWY 28, Orig
 Elkins, WV, Elkins-Randolph Co-Jennings Randolph Field, VOR/DME-B Amdt 3A, CANCELLED
 Elkins, WV, Elkins-Randolph Co-Jennings Randolph Fld, GPS RWY 5, Orig
 Elkins, WV, Elkins-Randolph Co-Jennings Randolph Fld, NDB-A, Orig
 Pineville, WV, Kee Field, GPS RWY 25, Orig
 [FR Doc. 97-29727 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29053; Amdt. No. 1832]

RIN 2120-AA65

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S.

Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on October 31, 1997.

Richard O. Gordon,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach

Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
10/16/97	IL	CHICAGO/AURORA	AURORA MUNI	7/6782	VOR OR GPS RWY 36, AMDT 1A...
10/20/97	MS	PASCAGOULA	TRENT LOTT INTL	7/6828	ILS RWY 17, ORIG-1A...
10/20/97	MS	PASCAGOULA	TRENT LOTT INTL	7/6829	GPS RWY 17, ORIG...
10/20/97	MS	PASCAGOULA	TRENT LOTT INTL	7/6830	VOR OR GPS-A, ORIG...
10/21/97	KS	COFFEYVILLE	COFFEYVILLE MUNI	7/6854	VOR/DME OR GPS-A, AMDT 6A...
10/22/97	GA	JEFFERSON	JACKSON COUNTY	7/6883	NDB RWY 34, ORIG...
10/22/97	MN	MINNEAPOLIS	CRYSTAL	7/6864	GPS RWY 13L, ORIG...
10/22/97	MN	MINNEAPOLIS	CRYSTAL	7/6865	VOR OR GPS-A, AMDT 9B...
10/22/97	MN	MINNEAPOLIS	FLYING CLOUD	7/6860	VOR OR GPS RWY 36, AMDT 11A...
10/22/97	MN	MINN3APOLIS	FLYING CLOUD	7/6861	VOR OR GPS RWY 9R, AMDT 7A...
10/22/97	MN	MINNEAPOLIS	FLYING CLOUD	7/6863	ILS RWY 9R, AMDT 1A...
10/22/97	MN	MORRIS	MORRIS MUNI	7/6857	VOR OR GPS RWY 32, AMDT 4A...
10/23/97	TX	LUBBOCK	LUBBOCK INTL	7/6908	VOR/DME OR TACAN RWY 26, AMDT 10...
10/28/97	LA	ALEXANDRIA	ALEXANDRIA INTL	7/6989	VOR OR GPS RWY 32, ORIG-A...
10/28/97	LA	ALEXANDRIA	ALEXANDRIA INTL	7/6990	VOR OR GPS RWY 14, ORIG-B...
10/28/97	LA	ALEXANDRIA	ALEXANDRIA INTL	7/6991	GPS RWY 18, ORIG-A...
10/28/97	MI	GRAND RAPIDS	KENT COUNTY INTL	7/6972	RADAR-1, AMDT 10...
10/29/97	LA	ALEXANDRIA	ALEXANDRIA INTL	7/7006	ILS/DME RWY 14, AMDT 1...

Jefferson

JACKSON COUNTY
Georgia
NDB RWY 34, ORIG...
FDC Date: 10/22/97

FDC 7/FDC 7/6883 /19A/ FI/P JACKSON COUNTY, JEFFERSON, GA. NDB RWY 34, ORIG...TERMINAL ROUTE WOMAC INT TO COMMERCE NDB MIN ALT 3700. THIS IS NDB RWY 34 ORIG-A.

Chicago/Aurora

AURORA MUNI
Illinois
VOR OR GPS RWY 36, AMDT 1A...

FDC Date: 10/16/97

FDC 7/6782 /ARR/FI/P AURORA MUNI, CHICAGO/AURORA, IL. VOR OR GPS RWY 36, AMDT 1A...CHANGE NOTE TO READ... WHEN CONTROL TOWER CLOSED USE DUPAGE ALTIMETER SETTING. CHANGE ALTERNATE MINIMUMS TO READ... STANDARD, EXCEPT NA WHEN CONTROL TOWER CLOSED. THIS IS VOR OR GPS RWY 36, AMDT 1B.

Coffeyville

COFFEYVILLE MUNI
Kansas
VOR/DME OR GPS-A, ADMT 6A...

FDC Date: 10/21/97

FDC 7/6854 /CFV/ FI/P COFFEYVILLE MUNI, COFFEYVILLE, KS. VOR/DME OR GPS-A, AMDT 6A...CIRCLING MDA 1200/ HAA 466 CAT A. THIS IS VOR/DME OR GPS-A, AMDT 6B.

Alexandria

ALEXANDRIA INTL
Louisiana
VOR OR GPS RWY 32, ORIG-A...
FDC Date: 10/28/97

FDC 7/6989 /AEX/ FI/P ALEXANDRIA INTL, ALEXANDRIA, LA. VOR OR GPS RWY 32, ORIG-A...CIRCLING CAT A MDA 520/

HAA CAT A 431. CAT B/C HAA 451. CAT D HAA 551. NOTE...RADAR REQUIRED. THIS IS VOR OR GPS RWY 32, ORIG-B.

Alexandria

ALEXANDRIA INTL
Louisiana
VOR OR GPS RWY 14, ORIG-B...
FDC Date: 10/28/97

FDC 7/6990 /AEX/ FI/P ALEXANDRIA INTL, ALEXANDRIA, LA. VOR OR GPS RWY 14, ORIG-B...CIRCLING CAT A MDA 520/HAA CAT A 431. CAT B/C HAA 451, CAT D HAA 551. NOTE...WHEN R-3801 B ACTIVE, RADAR REQUIRED. NOTE...FOR INOPERATIVE ALSF INCREASE S-14 CAT D VISIBILITY TO 1¼. THIS IS VOR OR GPS RWY 14, ORIG-C.

Alexandria

ALEXANDRIA INTL
Louisiana
VOR OR GPS RWY 18, ORIG-A...
FDC Date: 10/28/97

FDC 7/6991 /AEX/ FI/P ALEXANDRIA INTL, ALEXANDRIA, LA GPS RWY 18, ORIG-A...NOTE... WHEN R-3801 A OR B ACTIVE, RADAR REQUIRED. THIS IS GPS RWY 18, ORIG-B.

Alexandria

ALEXANDRIA INTL
Louisiana
ILS/DME RWY 14, AMDT 1...
FDC Date: 10/29/97

FDC 7/7006 /AEX/ FI/P ALEXANDRIA INTL, ALEXANDRIA, LA. ILS/DME RWY 14, AMDT 1...CIRCLING CAT A MDA 520/HAT CAT A 431. CAT B/C/ HAT 451. CAT D HAT 551. NOTE... WHEN R-3801 B ACTIVE, RADAR REQUIRED. THIS IS ILS/DME RWY 14, AMDT 1A.

Grand Rapids

KENT COUNTY INTL
MICHIGAN
RADAR-1, AMDT 10...
FDC Date: 10/28/97

FDC 7/6972/GRR/ FI/P KENT COUNTY INTL, GRAND RAPIDS, MI. RADAR-1, AMDT 10...S-26R MDA 1160/HAT 373 ALL CATS. THIS IS RADAR-1, AMDT 10A.

Morris

MORRIS MUNI
Minnesota
VOR OR GPS RWY 32, AMDT 4A...
FDC Date: 10/28/97

FDC 7/6857 /MOX/ FI/P MORRIS MUNI, MORRIS, MN. VOR OR GPS RWY 32, AMDT 4A...CHANGE DME MNMS...S-32... MDA 1500/HAT 370, ALL CATS. THIS IS VOR OR GPS RWY 32, AMDT 4B.

Minneapolis

FLYING CLOUD
Minnesota
VOR OR GPS RWY 36, AMDT 11A...
FDC Date: 10/22/97

FDC 7/6860 /FCM/ FI/P FLYING CLOUD, MINNEAPOLIS, MN. VOR OR GPS RWY 36, AMDT 11A...DELETE NOTE...WHEN CONTROL TOWER CLOSED, USE MINNEAPOLIS ST. PAUL INTL ALTIMETER SETTING AND INCREASE ALL MDA'S 40 FEET DELETE PROFILE NOTE...ASTERISK

1460 WHEN USING MINNEAPOLIS ALTIMETER SETTING. ALTERNATE MNMS STANDARD. ADD...CHART ASOS. THIS IS VOR OR GPS RWY 36, AMDT 11B.

Minneapolis

FLYING CLOUD
Minnesota
VOR OR GPS RWY 9R, AMDT 71A...
FDC Date: 10/22/97

FDC 7/6861 /FCM/ FI/P FLYING CLOUD, MINNEAPOLIS, MN. VOR OR GPS RWY 9R, AMDT 7A...DELETE NOTE...WHEN CONTROL TOWER CLOSED, USE MINNEAPOLIS ST. PAUL INTL ALTIMETER SETTING AND INCREASE ALL MDA'S 40 FEET AND INCREASE CAT C S-9R DME VIS TO ¾ MILE. DELETE PROFILE NOTE... ASTERISK 1400 WHEN USING MINNEAPOLIS ALTIMETER SETTING. ALTERNATE MNMS STANDARD. ADD... CHART ASOS. THIS IS VOR OR GPS RWY 9R, AMDT 7B.

Minneapolis

FLYING CLOUD
Minnesota
ILS RWY 9R, AMDT 1A...
FDC Date: 10/22/97

FDC 7/6863/FCM/FI/P FLYING CLOUD, MINNEAPOLIS, MN. ILS RWY 9R, AMDT 1A...DELETE NOTE... WHEN CONTROL TOWER CLOSED, USE MINNEAPOLIS ST. PAUL INTL ALTIMETER SETTING AND INCREASE ALL DH/MDA'S 40 FEET, AND INCREASE CAT C S-LOC 9R DME VIS TO ¾ MILE. DELETE PROFILE NOTE...ASTERISK 1380 WHEN USING MINNEAPOLIS ALTIMETER SETTING. ALTERNATE MNMS STANDARD. ADD...CHART ASOS. THIS IS ILS RWY 9R, AMDT 1B.

Minneapolis

CRYSTAL
Minnesota
GPS RWY 13L, ORIG...
FDC Date: 10/22/97

FDC 7/6864 /MIC/ FI/P CRYSTAL, MINNEAPOLIS, MN. GPS RWY 13L, ORIG...DELETE...MINNEAPOLIS ALTIMETER SETTING MNMS. DELETE NOTE... WHEN CONTROL TOWER CLOSED, USE MINNEAPOLIS ALTIMETER SETTING. ADD... CHART ASOS. THIS IS GPS RWY 13L, AMDT ORIG-A.

Minneapolis

CRYSTAL
Minnesota
VOR OR GPS-A, AMDT 9B...
FDC Date: 10/22/97

FDC 7/6865 /MIC/FI/P CRYSTAL, MINNEAPOLIS, MN. VOR OR GPS-A, AMDT 9B...DELETE... MINNEAPOLIS ALTIMETER SETTING MNMS. DELETE NOTE... WHEN CONTROL TOWER CLOSED, USE MINNEAPOLIS ALTIMETER SETTING. ALTERNATE

MNMS STANDARD. ADD... CHART ASOS. THIS IS VOR OR GPS-A, AMDT 9C.

Pascagoula

TRENT LOTT INTL
Mississippi
ILS RWY 17, ORIG-A
FDC Date: 10/20/97...

FDC 7/6828 /PQL/ FI/P TRENT LOTT INTL, PASCAGOULA, MS. ILS RWY 17, ORIG-A...DELETE NOTE... OBTAIN LOCAL ALTIMETER SETTING ON CTAF, WHEN NOT RECEIVED USE MOBILE ALTIMETER SETTING. MOBILE ALTIMETER SETTING MINIMUMS FOR INOPERATIVE MALSR, INCREASE S-ILS RWY 17 VISIBILITY TO 1 ALL CATS. DELETE... MOBILE ALTIMETER SETTING MINIMUMS. THIS IS ILS RWY 17, ORIG-B.

Pascagoula

TRENT LOTT INTL
Mississippi
GPS RWY 17, ORIG...
FDC Date: 10/20/97

FDC 7/6829 /PQL/ FI/P TRENT LOTT INTL, PASCAGOULA, MS. GPS RWY 17, ORIG...DELETE MOBILE, AL. ALTIMETER MINIMUMS. DELETE NOTE... OBTAIN LOCAL ALTIMETER SETTING ON CTAF, WHEN NOT RECEIVED USE MOBILE ALTIMETER SETTING. THIS IS GPS RWY 17, ORIG-A.

Pascagoula

TRENT LOTT INTL
Mississippi
VOR OR GPS-A, ORIG...
FDC Date: 10/20/97

FDC 7/6830 /PQL/FI/P TRENT LOTT INTL, PASCAGOULA, MS. VOR OR GPS-A, ORIG...DELETE MOBILE ALTIMETER SETTING MINIMUMS. DELETE NOTE... OBTAIN LOCAL ALTIMETER SETTING ON CTAF, IF NOT RECEIVED USE MOBILE ALTIMETER SETTING. ALTERNATE MINIMUMS... CATS A/B/C STANDARD, CAT D 800-2¼. THIS IS VOR OR GPS-A, ORIG-A.

Lubbock

LUBBOCK INTL
Texas
VOR/DME OR TACAN RWY 26, AMDT 10...
FDC Date: 10/23/97

FDC 7/6908/LBB/FI/P LUBBOCK INTL, LUBBOCK, TX. VOR/DME OR TACAN RWY 26, AMDT 10...S-26 VSBY CAT A/B 1.CHANGE INOPERATIVE TABLE NOTE TO READ... INOPERATIVE TABLE DOES

NOT APPLY. THIS IS VOR/DME OR TACAN RWY 26, AMDT 10A.

[FR Doc. 97-29726 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Chlortetracycline Powder

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The ANADA provides for oral use of chlortetracycline hydrochloride soluble powder in the drinking water of swine for control and treatment of certain diseases caused by pathogens susceptible to chlortetracycline and chickens and turkeys for control of certain diseases caused by pathogens susceptible to chlortetracycline.

EFFECTIVE DATE: November 12, 1997.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center For Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0209.

SUPPLEMENTARY INFORMATION: Phoenix Scientific, Inc., 3915 South 48th Street Terrace, P.O. Box 6457, St. Joseph, MO 64506-0457, filed ANADA 200-236 that provides for oral use of chlortetracycline hydrochloride soluble powder in animal drinking water as follows: (1) Swine: Control and treatment of bacterial enteritis (scours) caused by *Escherichia coli* and *Salmonella* spp., and bacterial pneumonia associated with *Pasteurella* spp., *Actinobacillus pleuropneumoniae* (*Haemophilus* spp.) and *Klebsiella* spp.; (2) Chickens: Control of infectious synovitis caused by *Mycoplasma synoviae*, and chronic respiratory disease (CRD) and air-sac infections caused by *M. gallisepticum* and *E. coli*; and (3) Turkeys: Control of infectious synovitis caused by *M. synoviae* and complicating bacterial organisms associated with bluecomb (transmissible enteritis, coronaviral enteritis).

Approval of Phoenix Scientific Inc.'s ANADA 200-236 chlortetracycline hydrochloride soluble powder is as a generic copy of ADM Animal Health &

Nutrition Div.'s NADA 65-256 Chlortet™-Soluble-O chlortetracycline hydrochloride soluble powder. ANADA 200-236 is approved as of September 24, 1997, and the regulations are amended in 21 CFR 520.445b(b) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.445b [Amended]

2. Section 520.445b *Chlortetracycline powder* (*chlortetracycline hydrochloride* or *chlortetracycline bisulfite*) is amended in paragraph (b) by removing "No. 017519" and adding in its place "Nos. 017519 and 059130."

Dated: October 22, 1997.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 97-29650 Filed 11-10-97; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Neomycin Sulfate Oral Solution

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by Pharmacia & Upjohn Co. The supplemental ANADA provides for a shorter withdrawal period following use of neomycin sulfate oral solution in the drinking water or in milk for cattle (excluding veal calves), swine, sheep, and goats for the treatment and control of colibacillosis.

EFFECTIVE DATE: November 12, 1997.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0209.

SUPPLEMENTARY INFORMATION: Pharmacia & Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001-0199, filed supplemental ANADA 200-113 that provides for a shorter withdrawal period following use of neomycin sulfate oral solution in the drinking water or in milk for cattle (excluding veal calves), swine, sheep, and goats for the treatment and control of colibacillosis (bacterial enteritis) caused by *Escherichia coli* susceptible to neomycin sulfate.

Approval of supplemental ANADA 200-113 is as a generic copy of the sponsor's approved supplemental NADA 11-315. The supplemental ANADA is approved as of February 7, 1997, and the regulations are amended in § 520.1485(d)(3) (21 CFR 520.1485(d)(3)) to reflect the approval.

The previously approved supplement to NADA 11-315 included data to support revised tolerances for residues of neomycin in the edible tissues of cattle, swine, sheep, and goats. Based on evaluation of the data as provided in the "General Principles for Evaluating the Safety of Compounds Used in Food-Producing Animals Guidelines," tolerances of 1.2 parts per million (ppm) in muscle, 3.6 ppm in liver, and 7.2 ppm in kidney and fat, and withdrawal times of 1 day for cattle, 2 days for sheep, and 3 days for swine and goats were established. The revised withdrawal times were established in 21

CFR 520.1484(c)(3) and now for ANADA 200-113 in § 520.1485(d)(3).

No additional effectiveness or safety studies were required for this approval. Therefore, a freedom of information summary is not required. A summary of data and information submitted to support the original ANADA approval may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

2. Section 520.1485 is amended by revising the last sentence of paragraph (d)(3) to read as follows:

§ 520.1485 Neomycin sulfate oral solution.

* * * * *

(d) * * *

(3) * * * Discontinue treatment prior to slaughter as follows: For sponsor 059130: 30 days for cattle and goats, and 20 days for swine and sheep; for sponsors 000009 and 050604: 1 day for cattle, 2 days for sheep, and 3 days for swine and goats.

Dated: October 10, 1997.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.
[FR Doc. 97-29654 Filed 11-10-97; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Medicated Feed Applications; Lasalocid; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the correct assay limits for lasalocid in Type A medicated articles. Although a supplement to the new animal drug application (NADA) was approved, the regulations had not been previously amended to reflect that approval. At this time the regulations are amended to reflect the current assay limits in the approved NADA.

EFFECTIVE DATE: November 12, 1997.

FOR FURTHER INFORMATION CONTACT: Mary G. Leadbetter, Center for Veterinary Medicine (HFV-143), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1662.

SUPPLEMENTARY INFORMATION: FDA is amending the regulation concerning use of animal drugs in medicated feeds in § 558.4(d) (21 CFR 558.4(d)) to reflect that the assay limit for lasalocid Type A medicated articles is 95 to 115 percent of the labeled amount. Although the original approval for NADA 96-298 Hoffmann-LaRoche, Inc., provided for a 10 percent overage (an assay limit of 100 to 120 percent), a supplemental approval dated August 25, 1992, revised that overage to 5 percent (95 to 115 percent). The regulation in § 558.4(d) is amended in the table entitled "Category I," in the entry for "Lasalocid," accordingly.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.4 [Amended]

2. Section 558.4 *Medicated feed applications* is amended in paragraph (d), in the table entitled "Category I," in the entry for "Lasalocid," in the second column by removing "100-120" and adding in its place "95-115".

Dated: October 21, 1997.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.
[FR Doc. 97-29649 Filed 11-10-97; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Amprolium Plus Ethopabate With Bacitracin Zinc and Roxarsone

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Alpharma Inc. The ANADA provides for using approved amprolium plus ethopabate with bacitracin zinc and roxarsone Type A medicated articles to make Type C medicated broiler chicken feeds used as an aid in the prevention of coccidiosis and improved feed efficiency or improved feed efficiency and improved pigmentation.

EFFECTIVE DATE: November 12, 1997.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Gilbert, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1602.

SUPPLEMENTARY INFORMATION: Alpharma Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, filed ANADA 200-214 that provides for combining approved amprolium plus ethopabate with bacitracin zinc and roxarsone Type A medicated articles to make Type C medicated broiler feeds. The Type C medicated feed containing amprolium 113.5 grams per ton (g/t) plus ethopabate 36.3 g/t with bacitracin zinc 10 to 50 g/t and roxarsone 15.4 to 45.4 g/t is used as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina*, *E. maxima*, and *E. brunetti* is likely to occur, and for improved feed efficiency. The Type C medicated feed containing amprolium 113.5 g/t plus ethopabate

36.3 g/t with bacitracin zinc 10 g/t and roxarsone 30 to 45.4 g/t is used as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur, and for improved feed efficiency and improved pigmentation.

Alpharma Inc.'s ANADA 200-214 provides for combining approved AMPROL HI-E® (Merck Research Laboratories' amprolium and ethopabate NADA 13-461), ALBAC® (Alpharma Inc.'s bacitracin zinc ANADA 200-223), and 3-NITRO® (Alpharma Inc.'s roxarsone NADA 7-891) Type A medicated articles to make the combination drug Type C medicated feeds.

Alpharma Inc.'s ANADA 200-214 is approved as a generic copy of Hoffmann-LaRoche, Inc.'s NADA 105-758. The ANADA is approved as of November 12, 1997, and the regulations are amended in 21 CFR 558.58(d)(1)(iii) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33 that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.58 [Amended]

2. Section 558.58 *Amprolium and ethopabate* is amended in the table in paragraph (d)(1)(iii) in the entry for "Bacitracin 10 to 50 plus roxarsone 15.4

to 45.4 (0.0017% to 0.005%)" under "Limitations" by removing "No. 000004" both times it appears and adding in their place "Nos. 000004 and 046573", and under "Sponsor" by removing "000004" and adding in its place "000004, 046573".

Dated: October 22, 1997.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 97-29653 Filed 11-10-97; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

[VA-106-FOR]

Virginia Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects and explains an OSM decision on a provision of a proposed amendment submitted by the State of Virginia as a modification to its permanent regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM published its decision on the provision in a September 17, 1997, final rule **Federal Register** document. The provision concerns an exemption from the requirement to conduct mitigation measures to prevent or lessen the impact of subsidence damage, when planned subsidence mining methods are used, when the structure owners deny the permittee access to implement the measures to minimize material damage.

DATES: Effective: November 12, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (540) 523-4303.

SUPPLEMENTARY INFORMATION: By letter dated May 21, 1996 (Administrative Record No. VA-882), Virginia submitted amendments to the Virginia program concerning subsidence damage. The amendments are intended to make the Virginia program consistent with the Federal regulations as amended on March 31, 1995 (60 FR 16722). Virginia stated that the proposed amendments implement the standards of the Federal

Energy Policy Act of 1992, and sections 45.1-243 and 45.1-258 of the Code of Virginia.

On September 17, 1997, OSM approved, with certain exceptions, the amendment submitted by Virginia (62 FR 48758). This document revises and explains one of OSM's decisions.

Subsidence Control

In the September 17, 1997, final rule, **Federal Register** document, OSM stated that it was approving, for longwall mining permittees, Virginia's proposed language at 480-03-19.817.121(a)(2)(iii) concerning an exemption from the requirement to conduct mitigation measures to minimize material damage from subsidence. The exemption would apply when the structure owners deny the permittee access to implement the measures to minimize material damage. (See Finding No. 5 of the September 17, 1997, final rule, 62 FR 48760.)

In that finding, OSM excluded room and pillar retreat mining from qualifying for the proposed exemption. Upon further consideration of Virginia's proposed provision at 480-03-19.817.121(a)(2)(iii), OSM is changing its previous finding and decision. The rationale for the revised decision is discussed below. The following finding replaces the preamble discussion for that part of Finding 5 that concerns amendments to subsection (a) of 480-03-19.817.121, in the final rule (62 FR 48758, second and third columns on page 48760).

5. § 480-03-13.817.121 Subsidence Control

Subsection (a) concerning measures to prevent or minimize damage is amended by adding new language (at new subsection (a)(2)) to provide that planned subsidence must include measures to minimize material damage to protected structures, except if the permittee has written consent of the structure owners, the costs of such measures exceed the anticipated costs of repair (unless the anticipated damage would constitute a threat to health or safety), or the structure owners deny the permittee access to implement the measures to minimize material damage and the permittee provides written evidence of good faith efforts to obtain access.

The proposed language is substantively identical to and no less effective than the counterpart Federal language at 30 CFR 817.121(a)(2) with one exception. 30 CFR 817.121(a)(2) contains no counterpart to the proposed language that provides an exception to the requirement to include measures to minimize material damage to protected

structures if the structure owners deny the permittee access to implement the measures to minimize material damage.

"Planned subsidence in a predictable and controlled manner" includes longwall mining and pillar retreat mining. Mitigation efforts performed on the surface to minimize material damage from planned subsidence include trenching, bracing, or jacking of the structures to be protected. These mitigation measures remain in place while the ground underneath the structures subsides, keeping the structures level and, thereby, helping to minimizing damage to the structures.

It is possible to prevent or minimize damage to the surface and surface structures by leaving coal in place (for example, by leaving support pillars or reducing the width of a longwall extraction panel). Such underground measures are not undertaken, however, if the approved mining method involves planned subsidence in a predictable and controlled manner as with longwall and pillar retreat mining, "because they are not normally consistent with longwall technology." (60 FR at 16731) As stated in the final rule preamble to 30 CFR 784.20(b), "OSM does not intend to require anything other than surface measures to minimize material damage from longwall mining where conventional underground measures may not be practicable." (60 FR at 16731) Note that in the preamble, OSM used the term "longwall mining" to refer to the "longwall mining and pillar recovery technologies." (60 FR at 16731)

Subsidence is a natural and common result of underground mining. However, there is a clear distinction between the mining methods that produce planned subsidence and those that produce unplanned subsidence. The following is a brief explanation of planned and unplanned subsidence and the mining methods that produce them.

Unplanned subsidence. The standard method of room and pillar mining produces unplanned subsidence. Standard room and pillar mining is accomplished as follows. First, a series of parallel paths are cut through the coal. These cuts are called entries. As the entries are increased in length, they are connected together by cutting a series of cross cuts through the coal from one entry to the next. These cross cuts produce a series of coal pillars surrounded by mined-out spaces (called rooms). Room and pillar mining produces a pattern much like a common checkerboard: on a checkerboard, each black square is surrounded by red squares. In a room and pillar underground mine, a pillar of coal is surrounded by mined-out coal. In

standard room and pillar mining, the pillars are left in place to support the rock (roof) above the coal layer.

The size of the pillar that is left to support the roof is determined by the strength of the coal, depth of the coal, the characteristics of the rock (above the coal) that is being supported, and the width of the entry system. The pillars in place support the roof of an underground coal mine for an undetermined length of time. It is possible that, sometime in the future, roof and/or pillar failure may occur and surface subsidence may take place. Normally, the extraction of coal from this type of mine development is less than 70 percent.

Planned subsidence. Planned subsidence is achieved by both retreat mining of the pillars of a room and pillar system, and by longwall mining. In retreat mining, the pillars of a room and pillar system are reduced in size (robbed) as the miners retreat back out of the room and pillar system. In retreat mining, the pillars are reduced in size to the point of allowing a controlled failure of the roof (roof fall) to occur. Total extraction of coal within the area defined for retreat mining is usually greater than 75 percent. It is important to note that in pillar retreat mining, it is essential that the roof fall take place in order to reduce the forces on the remaining pillars. If the load forces on the remaining pillars aren't reduced by roof fall, the mining equipment can't properly and safely mine the remaining pillars.

A longwall mining operation is first developed by using room and pillar methods to develop entries, haulageways, paths for ventilation, and to define the blocks of coal to be removed by the longwall cutter. The blocks of coal to be removed are often quite large (for example, 500 to 1,000 feet wide by thousands of feet long). Since all the coal is removed in these large blocks, the unsupported roof falls shortly following passage of the longwall cutter. The amount of surface subsidence that is expected to take place is determined from the thickness of the coal, width of the block of coal removed, and the characteristics and thickness of the overburden.

The Federal regulations at 30 CFR 817.121(a)(1) provide that a permittee must either adopt measures to prevent subsidence from causing material damage, or adopt mining technology that provides for planned subsidence in a predictable and controlled manner. Room and pillar retreat mining and longwall mining are examples of mining technology that provides for planned subsidence in a predictable and

controlled manner. Thus, Virginia's proposal with regard to longwall mining operations and room and pillar retreat mining operations is consistent with the Federal rule at 30 CFR 817.121(a)(2) which requires measures to minimize subsidence damage only when such measures are "consistent with the mining method employed" and they are "technologically feasible."

Section 516(b)(1) of SMCRA provides a special exemption for planned subsidence methods of mining from the requirement to adopt measures consistent with known technology in order to prevent subsidence from causing material damage. Section 720(a)(2) of SMCRA, which concerns subsidence related to underground mining operations, provides that nothing in section 720(a)(2) "shall be construed to prohibit or interrupt underground coal mining operations." Additionally, the preamble to 30 CFR 817.121(a)(2) states that the damage minimization requirements for planned subsidence operations are based on both sections of SMCRA. (60 FR at 16734, 1st column; March 31, 1995)

OSM was also concerned about whether or not the structure owner would be notified by the longwall permittee of the consequences of failing to allow access for the placement of mitigation measures. Since Virginia's proposal had no direct Federal counterpart, there was no direct Federal notice counterpart. The Federal regulations at 30 CFR 784.20(a)(3) provide a relevant comparison. 30 CFR 784.20(a)(3) provides that, if an owner denies access for a pre-mining survey, the permittee must provide certain information to the landowner concerning the potential negative effect of their actions, but the lack of access does not prevent the permittee from mining. Virginia, by a letter dated January 3, 1997 (Administrative Record Number VA-902) clarified that under 480-03-19.817.121(a)(2)(iii), the permittee must provide a written document to the structure owner informing the owner of the consequences of denying access. Further, the permittee must provide Virginia with evidence documenting such notice.

The Director finds, therefore, that Virginia's proposal is reasonable and not inconsistent with SMCRA, since it would facilitate both the use of planned subsidence mining methods and the continuation of underground mining in situations in which surface owners refuse to allow implementation of surface measures approved by the regulatory authority.

In addition, the preamble to the Federal regulation at 30 CFR 817.121(a)(2) does not address the question of what happens when a landowner denies access. Therefore, it is reasonable to presume that OSM never envisioned this situation, thus creating the regulatory gap that Virginia is endeavoring to fill.

Subsection (c) has been revised by deleting the existing language and replacing new language.

* * * * *

The Federal regulations at 30 CFR part 946 codifying decisions concerning the Virginia program are being amended to implement this revised finding.

Section 946.15 Approval of Virginia regulatory program amendments is being amended in the table (third column on page 48765, 62 FR 48758) to show both the September 17, 1997, final publication of this amendment, and the date of the revision discussed in this notice.

Dated: November 3, 1997.

Tim L. Dieringer,
*Acting Regional Director, Appalachian
Regional Coordinating Center.*

PART 946—VIRGINIA

1. The authority citation for part 946 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 946.15 is amended in the table by revising the entry having the original amendment submission date of May 21, 1996, to read as follows:

§ 946.15 Approval of Virginia regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
May 21, 1996	September 17, 1997, and November 12, 1997	VA Code §§ 480–03–19.700.5; 784.14, 20; 817.41, 121.

[FR Doc. 97–29724 Filed 11–10–97; 8:45 am]
BILLING CODE 4310–05–M

**ENVIRONMENTAL PROTECTION
AGENCY**

[OPP–300505A; FRL–5750–3]

40 CFR Part 180

RIN 2070–AB78

**Corn Gluten; Exemption from the
Requirement of a Tolerance**

AGENCY: Environmental Protection
Agency (EPA).
ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of corn gluten also known as corn gluten meal, when used as an herbicide in or on all food commodities, when applied in accordance with good agricultural practice. This exemption from requirement of a tolerance is being established by the Agency on its own initiative, under the Federal Food, Drug, and Cosmetic Act (FFDCA) as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: This regulation becomes effective November 12, 1997. Written objections and requests for hearings must be received by January 12, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300505A], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW.,

Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled “Tolerance Petition Fees” and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300505A], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300505A]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Freshteh Toghrol, Biopesticides and Pollution Prevention Division (7511W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 5th Floor, Crystal Station 1, 2805 Crystal Drive, Arlington, VA; (703) 308–7014, e-mail: toghrol.freshteh@epamail.epa.gov..
SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 18, 1997 (62 FR 38513) [OPP–300505; FRL–5717–8], EPA proposed, pursuant to section 408(e) of the FFDCA, 21 U.S.C. 346a(d) to amend 40 CFR 180.1164 by establishing an exemption from the requirement of a tolerance for corn gluten in or on all food commodities, when applied in accordance with good agricultural practice.

There were no comments received in response to the proposed rule.

Based on the reasons set forth in the preamble to the proposed rule, EPA establishes an exemption from tolerance for corn gluten as provided below.

I. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to “object” to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(e) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which governs the submission of objections and hearing requests. These

regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by January 12, 1998, file written objections to any aspect of this regulation (including the automatic revocation provision) and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the ADDRESSES section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

II. Public Record and Electronic Submissions

EPA has established a record for this rulemaking under docket control number [OPP-300505A] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information

claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:
opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

III. Regulatory Assessment Requirements

This action finalizes an exemption from the tolerance requirement under FFDCA section 408(e). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). In addition, this final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require special OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

IV. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and record keeping requirements.

Dated: October 27, 1997.

Stephen L. Johnson,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371

2. Section 180.1164 is amended by adding a new paragraph (c) to read as follows:

§ 180.1164 Food and food by-products; exemption from the requirement of a tolerance.

* * * *

(c) Corn gluten (CAS Reg. No. 66071-96-3) is exempt from the requirement of a tolerance on all food commodities when used as an herbicide in accordance with good agricultural practice.

[FR Doc. 97-29746 Filed 11-10-97; 8:45 am]

BILLING CODE 6560-50-F

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Part 64****[Docket No. FEMA-7676]****Suspension of Community Eligibility****AGENCY:** Federal Emergency Management Agency, FEMA.**ACTION:** Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date

in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Region II				
New Jersey: Roselle Park, borough of, Union County.	340472	Dec. 17, 1971, Emerg.; July 17, 1978, Reg.; Nov. 5, 1997, Susp.	Nov. 5, 1997	Nov. 5, 1997.
New York: Fort Ann, town of, Washington County.	361231	Feb. 2, 1976, Emerg.; Apr. 17, 1985, Reg.; Nov. 5, 1997, Susp.	.....do	Do.
Region III				
Virginia:				
Chilhowie, town of, Smyth County	510185	Jan. 15, 1974, Emerg.; June 15, 1978, Reg.; Nov. 5, 1997, Susp.	.....do	Do.
Louisa County, unincorporated areas	510092	Mar. 1, 1974, Emerg.; June 1, 1989, Reg.; Nov. 5, 1997, Susp.	.....do	Do.
Smyth County, unincorporated areas	510184	Dec. 26, 1973, Emerg.; May 15, 1980, Reg.; Nov. 5, 1997, Susp.	.....do	Do.
Region VI				
Oklahoma: Piedmont, city of, Canadian and Kingfisher Counties.	400027	Feb. 4, 1985, Reg.; Nov. 5, 1997, Susp.	.....do	Do.
Texas: Junction, city of, Kimble County	480421	Feb. 27, 1975, Emerg.; Sept. 26, 1979, Reg.; Nov. 5, 1997, Susp.	.....do	Do.
Region IX				
California:				
Grover, city of, San Luis Obispo County	060306	Mar. 27, 1975, Emerg.; Aug. 1, 1984, Reg.; Nov. 5, 1997, Susp.	.....do	Do.
Pismo Beach, city of, San Luis Obispo County.	060309	Feb. 25, 1977, Emerg.; Aug. 1, 1984, Reg.; Nov. 5, 1997, Susp.	.....do	Do.
Region X				
Oregon: Marion County, unincorporated areas.	410154	Dec. 10, 1971, Emerg.; Aug. 15, 1979, Reg.; Nov. 5, 1997, Susp.	.....do	Do.
Region I				
Maine: Bowdoinham, town of, Sagadahoc County.	230119	Apr. 16, 1981, Emerg.; May 19, 1987, Reg.; Nov. 19, 1997, Nov. 19, 1997, Susp.	Nov. 19, 1997..	
Vermont: Duxbury, town of, Washington County.	500110	June 10, 1975, Emerg.; Mar. 15, 1982, Reg.; Nov. 19, 1997, Susp.	.....do	Do.
Region IV				
Florida:				
Melbourne, city of, Brevard County	120025	Aug. 30, 1974, Emerg.; July 1, 1979, Reg.; Nov. 19, 1997, Susp.	.....do	Do.
Tallahassee, city of, Leon County	120144	Mar. 10, 1972, Emerg.; Dec. 6, 1976, Reg.; Nov. 19, 1997, Susp.	.....do	Do.
Region V				
Indiana:				
LaFontaine, town of, Wabash County	180267	June 4, 1975, Emerg.; Apr. 17, 1987, Reg.; Nov. 19, 1997, Susp.	.....do	Do.
LaGro, town of, Wabash County	180268	Aug. 15, 1975, Emerg.; June 18, 1987, Reg.; Nov. 19, 1997, Susp.	.....do	Do.
North Manchester, town of, Wabash County.	180269	Mar. 24, 1975, Emerg.; Aug. 19, 1985, Reg.; Nov. 19, 1997, Susp.	.....do	Do.
Wabash, city of, Wabash County	180271	Oct. 28, 1975, Emerg.; Jan. 18, 1984, Reg.; Nov. 19, 1997, Susp.	.....do	Do.
Wabash County, unincorporated areas ..	180266	Apr. 3, 1975, Emerg.; Aug. 19, 1986, Reg.; Nov. 19, 1997, Susp.	.....do	Do.
Michigan: Albee, township of, Saginaw County.	260498	Apr. 22, 1976, Emerg.; Aug. 1, 1986, Reg.; Nov. 19, 1997, Susp.	.....do	Do.
Minnesota: Prior Lake, city of, Scott County	270432	Feb. 6, 1974, Emerg.; Sept. 29, 1978, Reg.; Nov. 19, 1997, Susp.	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: November 3, 1997.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 97-29753 Filed 11-10-97; 8:45 am]

BILLING CODE 6718-05-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 5, 21, 22, 23, 24, 25, 26, 27, 73, 74, 78, 80, 87, 90, 95, 97, and 101

[ET Docket No. 96-2; FCC 97-347]

Arecibo Coordination Zone

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to one of the final rules adopted in "Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico", which was published Monday, October 27, 1997 (62 FR 55525).

EFFECTIVE DATE: December 26, 1997.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Office of Engineering and Technology, (202) 418-2452.

SUPPLEMENTARY INFORMATION:

Background

This document corrects Section 101.123(d) of the Commission's rules, as modified in "Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico," ET Docket 96-2, FCC 97-347 (released October 15, 1997), 62 FR 55525 (October 27, 1997). This rule, which deals with Quiet Zones and Arecibo Coordination Zone was published with a clerical error.

Need for Correction

As published, this final rule contains an error that may be misleading and is in need of clarification.

Correction of Publications

Accordingly, the publication on October 27, 1997, of final rules in ET Docket No. 96-2, which was the subject of FR Doc. 97-28296, is corrected as follows:

§ 101.123 [Corrected]

On page 55536, in the third column, within the regulatory instruction for § 101.123, paragraph (d) is correctly designated as paragraph 101.123(e).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-29661 Filed 11-10-97; 8:45 am]

BILLING CODE 6712-01-P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1515 and 1552

[FRL-5919-4]

Acquisition Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document revises the EPA Acquisition Regulation (EPAAR) on calculation of profit or fee. Two unrelated administrative corrections are also being made.

EFFECTIVE DATE: November 12, 1997.

ADDRESSES: Environmental Protection Agency, Office of Acquisition Management (3802R), 401 M Street S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Larry Wyborski, Telephone: (202) 564-4369.

SUPPLEMENTARY INFORMATION:

I. Background Information

The proposed rule was published in the **Federal Register** (62 FR 27712-27715) on May 21, 1997, providing for a 60-day comment period.

Interested parties were afforded the opportunity to participate in the making of this rule. The following is a summary of each comment and the Agency disposition of those comments.

1. *Comment:* EPA should make it clear that Subpart 1515.970-2(b)(iv) cannot be interpreted to allow only one profit or fee determination for both the general contractor and subcontractor levels of an acquisition.

Response: Privity of contract is an established principle in Government contracting. The Government's contract is with the prime (general) contractor. Duties such as direction and payment of the subcontractors are solely the responsibility of the prime contractor. Therefore, profit or fee determinations are solely based on the prime contractor's effort.

2. *Comment:* We are concerned about the soundness of "structured approach" policy. We believe the structured approach prevents the Government from receiving best value by adding unnecessary expense to the negotiation process. Further, the structure approach distorts market value in competitive

procurements by substituting private industry competitive determinations of cost and profit with Government notions of what the market "should be."

Response: As stated in EPAAR 1515.902(a)(3), the structured approach is a basis for negotiations, not a final determination. Also, EPAAR 1515.903 is being added by this rule to allow exemption of cost realism evaluations from required use of a structured approach. Cost realism is a factor in best value procurements. Furthermore, EPAAR 1515.902(b) specifies numerous other types of contracts and circumstances where methods other than the structured approach set forth in EPAAR 1515.970 may be used. For instance, the structured approach is not required for construction contracts (EPAAR 1515.902(b)(vi)).

3. *Comment:* We are concerned that Subpart 1515.970-2(b)(2)(iii)(C) of the proposed rule could be misinterpreted by contracting officers. Each construction acquisition, regardless of the contract type or contractor experience, is a unique project which can have significant distinguishing characteristics. Profit or fee weighted guidelines should therefore be considered anew for each acquisition.

Response: We agree that the cited provision may be subject to misinterpretation. It is also unnecessary, since it is not a mandatory requirement and the contracting officer has a certain amount of flexibility in making weighted guideline determinations. The provision at 1515.970-2(b)(2)(iii)(C) will be deleted.

4. *Comment:* EPA should emphasize to contracting officers that weighted guidelines are prenegotiation benchmarks, not unchangeable standards.

Response: See EPAAR 1515.902(a)(3) and the Agency policy at EPAAR 1515.970-1. Both citations provide for a structured approach as a basis for negotiations, rather than as a final determination.

5. *Comment:* EPA should review and update its statement in EPAAR 1515.970-2(a)(3), relating to facilities capital cost of money.

Response: Based on a review of approaches taken by other Agencies on this matter, EPA will reassess EPAAR 1515.970-2, for possible revision in a future action.

II. Executive Order 12866

This is not a significant regulatory action under Executive Order 12866; therefore, no review is required at the Office of Information and Regulatory Affairs within OMB.

III. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements for the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

IV. Regulatory Flexibility Act

The EPA certifies that this rule does not exert a significant economic impact on a substantial number of small entities. There are no requirements for contractor compliance under the proposed rule.

V. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) Public Law 104-4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments, and the private sector.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

VI. Regulated Entities

EPA contractors are entities potentially regulated by this action.

Category	Regulated entity
Industry	EPA Contractors.

List of Subjects in 48 CFR Parts 1515 and 1552

Environmental protection,
Government procurement.

For the reasons set forth in the preamble, Chapter 15 of Title 48 Code of Federal Regulations 1515 and 1552 is amended as follows:

PARTS 1515 AND 1552—[AMENDED]

1. The authority citation for 1515 and 1552 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 as amended, 40 U.S.C. 486(c).

2. Subpart 1515.9 is revised to read as follows:

Subpart 1515.9—Profit

Table of Contents

1515.900 Scope of subpart.
1515.902 Policy.

1515.903 Cost realism.
1515.905 Profit-analysis factors.
1515.970 EPA structured approach for developing profit or fee objectives.
1515.970-1 General.
1515.970-2 EPA structured system.

1515.900 Scope of subpart.

This subpart implements FAR subpart 15.4, and prescribes the EPA structured approach for determining profit or fee prenegotiation objectives.

1515.902 Policy.

(a) *EPA structured approach.* The purpose of EPA's structured approach is:

- (1) To provide a standard method of evaluation;
- (2) To ensure consideration of all relevant factors;
- (3) To provide a basis for documentation and explanation of the profit or fee negotiation objective;
- (4) To allow contractors to earn profits commensurate with the assumption of risk; and
- (5) To reward contractors who undertake more difficult work requiring higher risks.

(b) *Other methods.*

(1) Contracting officers may use methods other than those prescribed in 1515.970 for establishing profit or fee objectives under the following types of contracts and circumstances:

- (i) Architect-engineering contracts;
- (ii) Personal service contracts;
- (iii) Management contracts, e.g., for maintenance or operation of Government facilities;
- (iv) Termination settlements;
- (v) Services under labor-hour and time and material contracts which provide for payment on an hourly, daily, or monthly basis, and where the contractor's contribution constitutes the furnishing of personnel.

- (vi) Construction contracts; and
- (vii) Cost-plus-award-fee contracts.

(2) Generally, it is expected that such methods will:

(i) Provide the contracting officer with a technique that will ensure consideration of the relative value of the appropriate profit factors described under "Profit Factors," in 1515.970-2, and

(ii) Serve as a basis for documentation of the profit or fee objective.

(c) Under unusual circumstances, the CCO may specifically waive the requirement for the use of the guidelines. Such exceptions shall be justified in writing, and authorized only in situations where the guidelines method is unsuitable. In the event that any of the methods used would result in establishing a fee objective in violation of limitations established by statute (see

FAR 15.404-4(b)(4)(i)), the maximum fee objective shall be the percentage allowed pursuant to such limitations. No administrative ceilings on profits or fees shall be established.

(d) The contracting officer shall not consider any known subcontractor profit/fee as part of the basis for determining the contractor profit/fee.

1515.903 Cost realism.

The EPA structured approach is not required when the contracting officer is evaluating cost realism in a competitive acquisition.

1515.905 Profit-analysis factors.

Profit-analysis factors prescribed in the EPA structured approach for analyzing profit or fee include those prescribed by FAR 15.404-4(d)(1), and additional factors authorized by FAR 15.404-4(d)(d) to foster achievement of program objectives. These profit or fee factors are prescribed in 1515.970-2.

1515.970 EPA structured approach for developing profit or fee objectives.

1515.970-1 General.

(a) The Agency's policy is to utilize profit to attract contractors who possess talents and skills necessary to the accomplishment of the objectives of the Agency, and to stimulate efficient contract performance. In negotiating profit/fee, it is necessary that all relevant factors be considered, and that fair and reasonable amounts be negotiated which give the contractor a profit objective commensurate with the nature of the work to be performed, the contractor's input to the total performance, and the risks assumed by the contractor.

(b) To properly reflect differences among contracts, and to select an appropriate relative profit/fee in consideration of these differences, weightings have been developed for application by the contracting officer to standard measurement bases representative of the prescribed profit factors cited in FAR 15.905 and (EPAAR) 48 CFR 1515.970-2(a)(1). Each profit factor or subfactor, or its components, has been assigned weights relative to their value to the contract's overall effort, and the range of weights to be applied to each profit factor.

1515.970-2 EPA structured system.

(a)(1) *Profit/fee factors.* The factors set forth in the following table, and the weighted ranges listed after each factor, shall be used in all instances where the profit/fee is negotiated.

CONTRACTOR'S INPUT TO TOTAL PERFORMANCE

	Weight range (percent)
Direct material	1 to 5.
Professional/technical labor	8 to 15.
Professional/technical overhead ...	6 to 9.
General labor	5 to 9.
General overhead	4 to 7.
Subcontractors	1 to 4.
Other direct costs	1 to 3.
General and administrative expenses.	5 to 8.
Contractor's assumption of contract cost risk.	0 to 6.

(2) The contracting officer shall first measure the "Contractor's Input to Total Performance" by the assignment of a profit percentage within the designated weight ranges to each element of contract cost. Such costs are multiplied by the specific percentages to arrive at a specific dollar profit or fee.

(3) The amount calculated for facilities capital cost of money (FCCM) shall not be included as part of the cost base for computation of profit or fee (see FAR 15.404-4(c)(3)). The profit or fee objective shall be reduced by an amount equal to the amount of facilities capital cost of money allowed. A complete discussion of the determination of facilities capital cost of money and its application and administration is set forth in FAR 31.205-10, and the Appendix to the FAR (see 48 CFR 9904.414).

(4) After computing a total dollar profit or fee for the Contractor's Input to Total Performance, the contracting officer shall calculate the specific profit dollars assigned for cost risk and performance. This is accomplished by multiplying the total Government cost objective, exclusive of any FCCM, by the specific weight assigned to cost risk and performance. The contracting officer shall then determine the profit or fee objective by adding the total profit dollars for the Contractor's Input to Total Performance to the specific dollar profits assigned to cost risk and performance. The contracting officer shall use EPA Form 1900-2 to facilitate the calculation of the profit or fee objective.

(5) The weight factors discussed in this subsection are designed for arriving at profit or fee objectives for other than nonprofit and not-for-profit organizations. Nonprofit and not-for-profit organizations are addressed as follows:

(i) Nonprofit and not-for-profit organizations are defined as those

business entities organized and operated:

(A) Exclusively for charitable, scientific, or educational purposes;

(B) Where no part of the net earnings inure to the benefit of any private shareholder or individual;

(C) Where no substantial part of the activities is for propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office; and

(D) Which are exempt from Federal income taxation under Section 51 of the Internal Revenue Code (Title 26, United States Code).

(ii) For contracts with nonprofit and not-for-profit organizations where fees are involved, a special factor of -3 percent shall be assigned in all cases.

(b) Assignment of values to specific factors—

(i) *General.* In making a judgment on the value of each factor, the contracting officer should be governed by the definition, description, and purpose of the factors, together with considerations for evaluation set forth in this paragraph.

(2) *Contractor's input to total performance.* This factor is a measure of how much the contractor is expected to contribute to the overall effort necessary to meet the contract performance requirements in an efficient manner. This factor, which is separate from the contractor's responsibility for contract performance, takes into account what resources are necessary, and the creativity and ingenuity needed for the contractor to perform the statement of work successfully. This is a recognition that within a given performance output, or within a given sales dollar figure, necessary efforts on the part of individual contractors can vary widely in both value, quantity, and quality, and that the profit or fee objective should reflect the extent and nature of the contractor's contribution to total performance. Greater profit opportunity should be provided under contracts requiring a high degree of professional and managerial skill and to prospective contractors whose skills, facilities, and technical assets can be expected to lead to efficient and economical contract performance. The evaluation of this factor requires an analysis of the cost content of the proposed contract as follows:

(i) *Direct material (purchased parts and other material).* (A) Analysis of these cost items shall include an evaluation of the managerial and technical effort necessary to obtain the required material. This evaluation shall include consideration of the number of

orders and suppliers, and whether established sources are available or new sources must be developed. The contracting officer shall also determine whether the contractor will, for example, obtain the materials by routine orders or readily available supplies (particularly those of substantial value in relation to the total contract costs), or by detailed subcontracts for which the prime contractor will be required to develop complex specifications involving creative design.

(B) Consideration should be given to the managerial and technical efforts necessary for the prime contractor to administer subcontracts, and to select subcontractors, including efforts to break out subcontracts from sole sources, through the introduction of competition.

(C) Recognized costs proposed as direct material costs such as scrap charges shall be treated as material for profit evaluation.

(D) If intracompany transfers are accepted at price, in accordance with FAR 31.205-26(e), they should be excluded from the profit or fee computation. Other intracompany transfers shall be evaluated by individual components of cost, i.e., material, labor, and overhead.

(E) Normally, the lowest weight for direct material is 2 percent. A weighting of less than 2 percent would be appropriate only in unusual circumstances when there is a minimal contribution by the contractor in relation to the total cost of the material.

(ii) *Professional/technical and general labor.* Analysis of labor should include evaluation of the comparative quality and level of the talents and experience to be employed. In evaluating labor for the purpose of assigning profit dollars, consideration should be given to the amount of notable scientific talent or unusual or scarce talent needed, in contrast to journeyman effort or supporting personnel. The diversity, or lack thereof, of scientific and engineering specialties required for contract performance, and the corresponding need for supervision and coordination, should also be evaluated.

(iii) *Overhead and general and administrative expenses.* (A) Where practicable, analysis of these overhead items of cost should include the evaluation of the individual elements of these expenses, and how much they contribute to contract performance. This analysis should include a determination of the amount of labor within these overhead pools, and how this labor would be treated if it were considered as direct labor under the contract. The allocable labor elements should be given

the same profit consideration as if they were direct labor. The other elements of indirect cost pools should be evaluated to determine whether they are routine expenses such as utilities, depreciation, and maintenance, and therefore given less profit consideration.

(B) The contractor's accounting system need not break down its overhead expenses within the classification of professional/technical overhead, general overhead and general and administrative expenses.

(iv) *Subcontractors.* (A) Subcontract costs should be analyzed from the standpoint of the talents and skills of the subcontractors. The analysis should consider if the contractor normally should be expected to have people with comparable expertise employed as full-time staff, or if the contract requires skills not normally available in an employer-employee relationship. Where the contractor is using subcontractors to perform labor which would normally be expected to be done in-house, the rating factor should generally be at or near 1 percent. Where exceptional expertise is retained, or the contractor is participating in the mentor-protégé program, the assigned weight should be nearer to the high end of the range.

(B) In accordance with (EPAAR) 48 CFR 1515.902(d), whenever the subcontractor profit/fee is known to the contracting officer, that profit/fee shall not be considered as part of the basis for determining the contractor profit/fee.

(v) *Other direct costs.* Items of costs, such as travel and subsistence, should generally be assigned a rating of 1 to 3 percent. The analysis of these costs should be similar to the analysis of direct material.

(3) *Contractor's assumption of contract cost risk.* (i) The risk of contract costs should be shifted to the fullest extent practicable to contractors, and the Government should assign a rating that reflects the degree of risk assumption. Evaluation of this risk requires a determination of

(A) The degree of cost responsibility the contractor assumes,

(B) The reliability of the cost estimates in relation to the task assumed, and

(C) The chance of the contractor's success or failure. This factor is specifically limited to the risk of contract costs. Thus, such risks of losing potential profits in other fields are not within the scope of this factor.

(ii) The first determination of the degree of cost responsibility assumed by the contractor is related to the sharing of total risk of contract cost by the Government and the contractor, depending on selection of contract type.

The extremes are a cost-plus-fixed-fee contract requiring only that the contractor use its best efforts to perform a task, and a firm-fixed-price contract for a complex item. A cost-plus-fixed-fee contract would reflect a minimum assumption of cost responsibility by the contractor, whereas a firm-fixed-price contract would reflect a complete assumption of cost responsibility by the contractor. Therefore, in the first step of determining the value given for the contractor's assumption of contract cost risk, a low rating would be assigned to a proposed cost-plus-fixed-fee best efforts contract, and a higher rating would be assigned to a firm-fixed-price contract.

(iii) The second determination is that of the reliability of the cost estimates. Sound price negotiation requires well-defined contract objectives and reliable cost estimates. An excessive cost estimate reduces the possibility that the cost of performance will exceed the contract price, thereby reducing the contractor's assumption of contract cost risk.

(iv) The third determination is that of the difficulty of the contractor's task. The contractor's task may be difficult or easy, regardless of the type of contract.

(v) Contractors are likely to assume greater cost risks only if the contracting officer objectively analyzes the risk incident to the proposed contract, and is willing to compensate contractors for it. Generally, a cost-plus-fixed-fee contract would not justify a reward for risk in excess of 1 percent, nor would a firm-fixed-price contract normally justify a reward of less than 4 percent. Where proper contract type selection has been made, the reward for risk by contract type would usually fall into the following percentage ranges:

Type of contract	Percentage ranges
Cost-plus-fixed-fee	0 to 1.
Prospective price determination ...	4 to 5.
Firm-fixed-price	4 to 6.

(A) These ranges may not be appropriate for all acquisitions. The contracting officer might determine that a basis exists for high confidence in the reasonableness of the estimate, and that little opportunity exists for cost reduction without extraordinary efforts. The contractor's willingness to accept ceilings on their burden rates should be considered as a risk factor for cost-plus-fixed-fee contracts.

(B) In making a contract cost risk evaluation in an acquisition that involves definitization of a letter contract, consideration should be given

to the effect on total contract cost risk as a result of partial performance under a letter contract. Under some circumstances, the total amount of cost risk may have been effectively reduced by the existence of a letter contract. Under other circumstances, it may be apparent that the contractor's cost risk remained substantially as great as though a letter contract had not been used. Where a contractor has begun work under an anticipatory cost letter, the risk assumed is greater than normal. To be equitable, the determination of a profit weight for application to the total of all recognized costs, both those incurred and those yet to be expended, must be made with consideration to all relevant circumstances, not just to the portion of costs incurred or percentage of work completed prior to definitization.

1552.217-73 [Amended]

3. Section 1552.217-73 is amended by revising the clause heading as follows:

1552.217-73 Option for Increased Quantity—Cost Type Contract (JUN 1997)

1552.217-74 [Amended]

4. Section 1552.217-74 is amended by revising the clause heading as follows:

1552.217-74 Option for Increased Quantity—Cost Plus Award Fee Contract (JUN 1997)

Dated: October 27, 1997

John C. Gherardini,

Acting Director, Office of Acquisition Management.

[FR Doc. 97-29593 Filed 11-10-97; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 970520118-7251-02; I.D. 050197A]

RIN 0648-AJ00

Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Standard Allowances for Ice and Slime

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule that establishes standard allowances for ice

and slime found on unwashed Pacific halibut and sablefish landed in the Individual Fishing Quota (IFQ) fisheries for these species and incorporates them into the conversion factors for halibut and product recovery rates for sablefish used by NMFS to debit IFQ accounts. This action is necessary to correct inaccuracies in the current accounting process for landed IFQ product and is intended to support the goals and objectives of the IFQ program.

DATES: Effective December 12, 1997.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) for this action may be obtained from: National Marine Fisheries Service, Alaska Region, Fisheries Management Division, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: The U.S. groundfish fisheries of the Gulf of Alaska and the Bering Sea and Aleutian Islands in the exclusive economic zone are managed by NMFS pursuant to the fishery management plans (FMPs) for groundfish in the respective management areas. The FMPs were prepared by the North Pacific Fishery Management Council (Council) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, and are implemented by regulations for the U.S. fisheries at 50 CFR part 679. The Northern Pacific Halibut Act of 1982 (Halibut Act), 16 U.S.C. 773 *et seq.*, authorizes the Council to develop, and NMFS to implement, regulations applicable in waters under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea to allocate halibut fishing privileges among U.S. fishermen.

Under these authorities, the Council developed the IFQ program, a limited access management system for the fixed gear Pacific halibut and sablefish fisheries. The IFQ program was approved by NMFS, and fishing under that program began in March 1995. The Magnuson-Stevens Act and the Halibut Act authorize the Council and NMFS to make regulatory changes to the IFQ program that are consistent with the FMPs and that are necessary to conserve and manage the fixed gear Pacific halibut and sablefish fisheries.

Rationale and Management Action for Establishing Standard Allowances for Ice and Slime

Accurately accounting for the harvest of IFQ halibut and IFQ sablefish (IFQ species) is an important component of the IFQ program. Participants in the IFQ program are given specified allocations of IFQ species. Inaccurate accounting of the harvest of these allocations could cause either the underharvesting or overharvesting of IFQ species.

A major source of inaccurate accounting currently occurs because the current regulations do not provide for the adjustment of landed weights of unwashed IFQ species by either NMFS or program participants (fishermen and purchasers). An adjustment is needed to allow participants landing fish or fish products with ice and slime to harvest their full IFQ species share. Participants have been making, without regulatory authorization, adjustments of up to 9 percent to account for ice and slime. To the extent that the amount of adjustment is too high, these participants harvest more than their IFQ species share, potentially leading to a total overharvest. Also anecdotal reports from industry indicate that some purchasers of IFQ species have used their practice of making high ice and slime allowance adjustments to the weights they report to NMFS as an inducement to fishermen to deliver their catch to them rather than to a competitor who makes no adjustment or at least attempts to make a fair adjustment. The larger the percentage allowance for ice and slime used, the smaller the amount of landed IFQ species is reported to NMFS and the smaller the deduction from an IFQ participant's account with the ultimate consequence being overharvest. This method of inducing a participant's business is unfair to other purchasers of IFQ species.

In recognition that persons who land unwashed IFQ fish and products and who, in compliance with the regulations, report actual scale weights do not get to harvest their full IFQ shares while those who land washed fish and products do, and those who make unauthorized deductions harvest more than their share, NMFS proposed establishing a standard allowance of 2 percent for ice and slime on unwashed IFQ species (62 FR 32734, June 17, 1997). A 2-percent allowance for unwashed Pacific halibut is based on long-standing industry convention and has been accepted by the International Pacific Halibut Commission (IPHC), the international body entrusted with the primary responsibility for managing Pacific halibut. A 2-percent allowance

for unwashed sablefish was proposed by the industry. NMFS specifically requested comments on this proposed standard. Only one comment was received. That comment is addressed in the comment section below.

NMFS, by this rule, adopts a 2-percent allowance for ice and slime on unwashed halibut and sablefish. NMFS is implementing this allowance by incorporating it into the conversion factors and product recovery rates it uses to adjust reported weights to "standardized" weight measurements when debiting a participant's IFQ account. When applying conversion factors and product recovery rates, NMFS relies on product codes. The following new product codes are established and codified to accommodate the new conversion factors and product recovery rates for the ice and slime standard allowance: Product code 51—Whole fish/food fish with ice and slime (sablefish only); product code 54—Gutted only with ice and slime (Pacific halibut and sablefish); product code 55—Headed and gutted with ice and slime (Pacific halibut only); product code 57—Headed and gutted, Western cut, with ice and slime (sablefish only); and Headed and gutted, Eastern cut, with ice and slime (sablefish only). IFQ program participants are to use these new product codes only for unwashed IFQ species. Existing product codes 01, 04, 05, 07, and 08 are available for washed IFQ species (i.e., IFQ species without ice and slime).

These changes do not affect the requirement that IFQ program participants accurately report the scale weight actually measured without any adjustments at the time of landing. NMFS will adjust these weights to compensate for ice and slime by using the appropriate conversion factor or product recovery rate based on the product code(s) reported. By NMFS adopting a standard allowance and by NMFS doing the adjustments instead of industry participants, the practice of some industry participants using large allowances to "induce" business will be eliminated and the playing field will be leveled for all. Recording any amount on the IFQ landing report that is different from the scale weight actually measured at time of landing is a violation of the regulations and is subject to penalty.

Other Changes Made by This Action

The following changes are made to the regulatory text found at 50 CFR part 679 to clarify ambiguities concerning IFQ program requirements and deducted amounts.

First, the information required by § 679.5(l)(1)(iv) to be reported by IFQ landing reports is clarified by changing the words "fish product weight of sablefish and halibut landed" to "the scale weight of the product at the time of landing."

Second, the requirement to "sign any required fish ticket" in § 679.42(c)(3) is separated from the requirement to sign the IFQ landing report. Separating these requirements is intended to clarify that the IFQ landing report is the exclusive source of data NMFS will use to debit an IFQ account and to make all other IFQ calculations (e.g., adjustments under § 679.40(c)).

Third, the regulatory text in § 679.42(c)(3) (i) and (ii) explaining exactly what amount must be reported to NMFS for debit against an IFQ account is removed. These requirements will now appear at § 679.5(l)(1)(iv). Other provisions that were found in § 679.42(c)(3) (i) and (ii) are moved to § 679.42(c)(2), and new language is added to § 679.42(c)(2) specifying that the IFQ landing report will be the exclusive source of data NMFS will use for debiting an IFQ account.

Response to Comments

NMFS received one letter of comment was received on the proposed rule during the comment period. The following paragraphs summarize and respond to that comment.

Comment 1: The commenter fully supports establishing a standard allowance for ice and slime on unwashed IFQ species; however, the commenter indicates that 4 percent, rather than 2 percent, is a more accurate percentage based on derived recovery rates on IFQ species purchased and prepared for marketing. Further, the commenter states that the derived recovery rates are also affected by the allowance for heads, which is fixed at 10 percent for Pacific halibut. For example, when the weights of the heads of IFQ species are a greater percentage of body weight than the current allowance for heads, which frequently occurs with smaller fish, recovering buying and processing costs, even with a 4 percent allowance for ice and slime, is difficult. The head weight/body weight ratio is also affected by where the head is severed from the body. Historically, the standard head cut used to be on the back side of the eye socket; currently the head cut must be through the middle of the eye socket, or even lower, to achieve an economically viable head weight/body weight ratio.

Response: Historical information and the best available data support the determination that 2 percent is an

appropriate standard allowance for ice and slime. Calculating an allowance for ice and slime by comparing recovery rates of purchased product to processed product is not statistically accurate because it does not account for other variables, such as the loss of body weight through loss of moisture content, different head cuts, etc. The only statistically accurate method of deriving a percentage for an allowance for ice and slime is to measure the product before and after washing. To ensure the accuracy of the percentage, the time period between the two weighings should be minimal and the product should not be affected by any other procedures, such as heading the product or chilling the product. Changing the ice and slime standard allowance to account for varying head weights is inappropriate. Furthermore, NMFS contacted the IPHC and confirmed that the standard head cut percentage allowance is based on a head cut through the second eye ball. Therefore, cutting the head behind the eye socket would change the head weight/body weight ratio. This change would reduce the processed product weight, thereby requiring an increase in some allowance to account for the loss. This could be the reason why the commenter prefers 4 percent, rather than 2 percent ice and slime allowance to achieve an economically viable derived rate. However, the two allowances should not be dependent on one another and, for the reasons stated above, a 2-percent standard allowance for ice and slime is appropriate.

Changes Made to the Final Rule

Two changes were made to the final rule as compared with the proposed rule. First, the fifth clause of the first sentence of § 679.5(l)(1)(iv) was removed because it was the same as the previous clause. Second, the words "actually measured" and "actually measured and reported" were removed from § 679.5(l)(1)(iv) and § 679.42(c)(2)(i) and (ii), respectively.

These phrases did not add any additional clarification to the regulatory text.

Classification

NMFS prepared an EA/RIR for this rule, and the Assistant Administrator for Fisheries concluded that there will be no significant impact on the quality of the human environment as a result of this rule. This action will not significantly alter the impacts analyzed in the Final Environmental Impact Statement (FEIS) for the IFQ program. A copy of the FEIS for the IFQ program or

the EA/RIR for this action is available from NMFS (see ADDRESSES).

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 679

Fisheries, Recordkeeping and reporting requirements.

Dated: November 4, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.5, paragraph (l)(1)(iv) is revised to read as follows:

§ 679.5 Recordkeeping and reporting.

* * * * *

(l) * * *

(1) * * *

(iv) *Information required.* Information contained in a complete IFQ landing report shall include: Date, time, and location of the IFQ landing; name and permit number of the IFQ card holder and registered buyer; product type landed; and the scale weight of the product at the time of landing.

* * * * *

3. In § 679.42, paragraph (c) is revised to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

* * * * *

(c) *Requirements and deductions.* (1) Any individual who harvests halibut or sablefish with fixed gear must:

(i) Have a valid IFQ card.

(ii) Be aboard the vessel at all times during the fishing operation.

(iii) Sign any required fish ticket.

(iv) Sign the IFQ landing report required by § 679.5(l)(1)(iv).

(2) The scale weight of the halibut or sablefish product actually measured at

the time of landing, required by § 679.5(l)(1)(iv) to be included in the IFQ landing report, shall be the only source of information used by NMFS to debit an IFQ account. An IFQ account will be debited as follows:

(i) For sablefish product, dividing the scale weight at the time of landing by the product recovery rate found in Table 3 of this part that corresponds to the product code reported in the IFQ landing report; or

(ii) For halibut product, multiplying the scale weight at the time of landing by the conversion factor listed in paragraph (c)(2)(iii) of this section that corresponds to the product code reported in the IFQ landing report.
(iii) *Halibut conversion factors.*

Product code	Product description	Conversion factor
04	Gutted, head on	0.90
05	Gutted, head off	1.00
54	Gutted, head on, with ice and slime	0.88
55	Gutted, head off, with ice and slime	0.90

* * * * *

4. In 50 CFR part 679, Table 1 is amended by adding the following fish product codes/descriptions in numerical order to read as follows:

TABLE 1 TO PART 679—PRODUCT CODES

Fish product code	Description
5	<i>Headed and gutted.</i> Pacific halibut only.
51	<i>Whole fish/food fish with ice and slime.</i> Sablefish only.
54	<i>Gutted only with ice and slime.</i> Belly slit and viscera removed. Pacific halibut and sablefish only.
55	<i>Headed and gutted with ice and slime.</i> Pacific halibut only.
57	<i>Headed and gutted, Western cut, with ice and slime.</i> Sablefish only.
58	<i>Headed and gutted, Eastern cut, with ice and slime.</i> Sablefish only.

5. In 50 CFR part 679, Table 3 is amended by adding new product code columns with the following descriptions and product code numbers between Column 37 (Butterfly Backbone Removed) and Column 96 (Decomposed Fish) and adding the following product recovery rate values for the listed FMP species "SABLEFISH" in new columns 51, 54, 57, and 58:

TABLE 3 TO PART 679.—PRODUCT RECOVERY RATES FOR GROUND FISH SPECIES PRODUCT CODE

FMP species	Species code	Whole fish/food fish with ice and slime	Gutted with ice and slime	H&G western cut with ice and slime	H&G eastern cut with ice and slime
	.....	51	54	57	58
Sablefish	710	1.02	0.91	0.70	0.65

[FR Doc. 97-29707 Filed 11-10-97; 8:45 am]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 62, No. 218

Wednesday, November 12, 1997

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RESERVE SYSTEM

12 CFR Parts 204

[Regulation D; Docket No. R-0988]

Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is proposing amendments to Regulation D, Reserve Requirements of Depository Institutions, to move from the current system of contemporaneous reserve maintenance for institutions that are weekly reporters to a system under which reserves are maintained on a lagged basis by such institutions. Under a lagged reserve maintenance system, the reserve maintenance period for a weekly reporter will begin 30 days after the beginning of a reserve computation period. Under the current system, the reserve maintenance period begins only two days after the beginning of the computation period.

DATES: Comments must be submitted on or before January 12, 1998.

ADDRESSES: Comments, which should refer to Docket No. R-0988, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Comments addressed to Mr. Wiles also may be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m. and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments may be inspected in Room MP-500 between 9:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: William Whitesell, Section Chief, Money and Reserves Projections Section, Division of Monetary Affairs (202/452-2967); Oliver Ireland,

Associate General Counsel, (202/452-3625) or Lawranne Stewart, Senior Attorney (202/452-3513), Legal Division. For the hearing impaired only, contact Diane Jenkins, Telecommunications Device for the Deaf (TDD) (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: In order to satisfy the reserve requirements imposed under Regulation D (Reserve Requirements of Depository Institutions), depository institutions that file detailed deposit reports with the Federal Reserve once a week ("weekly reporters") are required to maintain reserves against their deposits on a virtually contemporaneous basis.¹ Weekly reporters are required to maintain average reserve balances over a 14-day reserve maintenance period that begins only two days after the beginning of the 14-day computation period.² The requirement for contemporaneous reserve maintenance was implemented in 1984 to enhance the conduct of monetary policy by strengthening the ability of the Board to control M1, the narrowest measure of the money supply, through operations directed at the supply of reserves.³

Since that time, however, the Federal Reserve's operating procedures have changed and it no longer maintains target ranges for M1. Additionally, the use of contemporaneous reserve maintenance requires depositories and the Federal Reserve to estimate and project the quantity of reserves that will be needed to meet reserve requirements

¹ Weekly reporters include domestic depository institutions with total reservable liabilities greater than the exemption amount provided by the zero-reserve tranche, currently \$4.4 million, and total deposits at or above the deposit cut-off established for institutions that are not fully exempt from reserve requirements, currently \$75 million. U.S. branches and agencies of foreign banks and Edge and Agreement corporations, regardless of their size, must report weekly.

Institutions that are not weekly reporters file deposit reports on either a quarterly or annual basis, depending on the size of their total deposits and their total reservable liabilities. This proposal will have no effect on those institutions.

² In the past, the threshold deposit level for weekly reporters has been indexed to the growth of total deposits and revised annually. As part of the Board's most recent review of the deposit reporting forms, however, the threshold deposit level for weekly reporting of deposits was raised to \$75 million, effective as of the reporting week ending September 15, 1997.

³ See 47 FR 44705 (October 12, 1982).

during the current maintenance period. These estimates have become increasingly difficult to formulate with any precision on a timely basis, in part because of the implementation by many depository institutions of retail sweep programs. Such programs have lowered required reserves for institutions that have implemented them and have increased uncertainties regarding the reserve balances depository institutions must hold at the Reserve Banks. For example, for some large institutions, required reserves are sometimes above and sometimes below their holdings of vault cash, with the result that it is difficult to project reliably the extent to which reserves in excess of applied vault cash will be required by these institutions.

The Board therefore is requesting comment on a proposal to amend Regulation D to return to a system of lagged reserve requirements. Under the proposal, a lag of thirty days (two full maintenance periods) would be introduced between the beginning of a reserve computation period and the beginning of the maintenance period during which reserves for that computation period must be maintained. The reserve maintenance period therefore would not begin until seventeen days after the end of the computation period. The proposal also provides for a two-period lag in the computation of the vault cash to be applied to satisfy reserve requirements.⁴ Providing a two-period lag for both required reserves and applied vault cash will allow the Federal Reserve, as well as the depository institutions, to calculate the level of required reserve balances before the beginning of the maintenance period. The increased lag also should reduce the level of resources that depository institutions and the Federal Reserve currently must devote to estimating and projecting required reserve balances.

The Board's proposal will not affect the provisions of Regulation D concerning the carryover of excess or deficiencies in a depository institution's reserve account.

The Board proposes to implement the shift to a lagged reserve requirement in July 1998. The Board believes that the transition to the new system could be

⁴ Applied vault cash for an individual institution is equal to the lesser of total vault cash or required reserves.

made most easily after completion of the changeover of software used by the Federal Reserve to process most data flows, currently projected for March 1998, and prior to the annual deposit panel shifts that will take place in September 1998.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires an agency to publish an initial regulatory flexibility analysis with any notice of proposed rulemaking. An initial regulatory flexibility analysis must include: (1) A description of the reasons why action by the agency is being considered; (2) a statement of the objectives of, and legal basis for, the proposed rule; (3) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule; and (5) an identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with the proposed rules. 5 U.S.C. 603(b).

As discussed above, the Board is considering this action to improve the ability of the Federal Reserve to estimate accurately the need for reserves on a timely basis, with the objective of ensuring greater effectiveness of the Federal Reserve's open market operations. Under section 19 of the Federal Reserve Act, the Board is authorized to promulgate rules concerning the maintenance of reserves. 12 U.S.C. 461(c). The Board does not believe that there are any Federal rules that duplicate, overlap, or conflict with the proposed rule.

The proposal will affect only institutions that are weekly deposit reporters, which generally include depository institutions that have total deposits of \$75 million or greater, as only these institutions currently are required to maintain reserves on a contemporaneous basis.⁵ The proposed amendments will not increase reporting or recordkeeping requirements associated with Regulation D for institutions that are weekly reporters, but will significantly simplify compliance with the rule for these institutions. The proposal therefore will not increase regulatory burden on small institutions generally and will reduce

regulatory burden for those small institutions that are affected.

List of Subjects in 12 CFR Part 204

Banks, banking, Federal Reserve System, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Board proposes to amend part 204 of chapter II of title 12 of the Code of Federal Regulations as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (REGULATION D)

1. The authority citation for part 204 continues to read as follows:

Authority: 12 U.S.C. 248(a), 248(c), 371a, 461, 601, 611, and 3105.

2. In § 204.3, paragraph (c) is revised to read as follows:

§ 204.3 Computation and maintenance.

* * * * *

(c) *Computation of required reserves for institutions that report on a weekly basis.* (1) Required reserves are computed on the basis of daily average balances of deposits and Eurocurrency liabilities during a 14-day period ending every second Monday (the "computation period"). Reserve requirements are computed by applying the ratios prescribed in § 204.9 to the classes of deposits and Eurocurrency liabilities of the institution. In determining the reserve balance that is required to be maintained with the Federal Reserve, the average daily vault cash held during the computation period is deducted from the amount of the institution's required reserves.

(2) The reserve balance that is required to be maintained with the Federal Reserve shall be maintained during a 14-day period (the "maintenance period") that begins on the third Thursday following the end of a given computation period.

* * * * *

By order of the Board of Governors of the Federal Reserve System, November 6, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97–29761 Filed 11–10–97; 8:45 am]

BILLING CODE 6210–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Regulations No. 4]

RIN 0960–AE35

Reduction of Disability Benefits—Workers' Compensation and Public Disability Benefits and Payments

AGENCY: Social Security Administration.

ACTION: Proposed rules; extension of comment period.

SUMMARY: On September 4, 1997, in the **Federal Register** (62 FR 46682), we published a proposal to revise our rules on the reduction of Social Security benefits based on disability on account of receipt of workers' compensation and/or public disability benefits and payments provided under Federal (other than Social Security), State, or local laws or plans to clarify our existing policies. To allow the public additional time to send us comments, we are extending the comment period. We are also making a few changes in the address and contact information.

DATES: To be sure that your comments are considered, we must receive them no later than January 5, 1998.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966–2830, sent by E-mail to "regulations@ssa.gov", or delivered to the Office of Process and Innovation Management, Social Security Administration, L2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235–0001, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Daniel T. Bridgewater, Legal Assistant, Office of Process and Innovation Management, Social Security Administration, L2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–3298 for information about these rules.

Dated: November 6, 1997.

Kenneth S. Apfel,

Commissioner of Social Security.

[FR Doc. 97–29842 Filed 11–10–97; 8:45 am]

BILLING CODE 4190–29–P

⁵ While weekly reporters that are Edge or Agreement corporations or U.S. branches or agencies of a foreign bank may have deposits of less than \$75 million, the deposits of these entities represent only a portion of the total deposits of the larger organizations to which they belong.

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 50****Draft Program Policy Letter on Reporting Occupational Illness**

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for comments.

SUMMARY: The Mine Safety and Health Administration (MSHA) voluntarily requests comments on a draft Program Policy Letter (PPL) that restates the reporting requirements of 30 CFR part 50 as they apply to occupational illnesses among miners, including retired or inactive miners. MSHA is publishing this notice to afford an opportunity for interested persons to comment on the draft PPL before it is issued.

DATES: Submit comments on or before January 12, 1998.

ADDRESSES: Send written comments to George M. Fesak, Program Evaluation and Information Resources, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 715, Arlington, Virginia 22203. Commenters are encouraged to submit comments on a computer disk or via e-mail to gfesak@msha.gov, along with an original hard copy.

FOR FURTHER INFORMATION CONTACT: George Fesak or Jay Mattos, 703-235-8378.

SUPPLEMENTARY INFORMATION:**I. Paperwork Reduction Act**

The information collection requirements associated with this policy are approved by the Office of Management and Budget (OMB) under OMB control number 1219-0007.

II. Background

MSHA updates its policies for enforcement of safety and health regulations through Program Policy Letters (PPL's). These PPL's are Agency interpretations of what existing MSHA regulations require; they are not new regulations. Therefore, PPL's do not impose new requirements, but explain or clarify how regulations work or apply in a particular situation. These PPL's are used by MSHA inspectors, miners, mine operators, and mining equipment manufacturers as guidance in determining how best to comply with MSHA regulations. Once adopted, the policy statements are published in the MSHA Program Policy Manual and given wide distribution.

To increase public participation in selected draft PPL's, MSHA is voluntarily requesting comments and suggestions from the public, especially from people who would be directly affected by the selected PPL's. By this notice, MSHA is affording an opportunity for public comment on a draft PPL that restates the reporting requirements for occupational illnesses. The text of the draft PPL follows this supplemental information. MSHA will consider all timely submitted comments before finalizing the PPL.

III. Discussion of Draft Policy

The mining industry has made significant improvements over the last few decades in protecting the health and safety of the men and women who work in the nation's mines. Significant progress has been made in reducing the number of fatal mining accidents and cases of occupational illness, but some miners continue to suffer from work-related illnesses such as black lung disease, occupational asthma, silicosis, asbestos-related diseases, and musculoskeletal disorders, conditions which can disable miners and sometimes lead to premature death.

In order for the mining community to accurately assess the risks to miners' health, accurate information on mining-related illnesses and deaths is essential. The primary way for MSHA to receive data on occupational illnesses is through the reporting requirements of 30 CFR part 50. Reports under part 50 provide MSHA with comprehensive information about the nature and extent of work-related illnesses in the mining industry. Part 50 occupational illness reports alert MSHA to potential health hazards and expedite corrective action to reduce or eliminate hazards. They also allow MSHA to verify that current health hazard controls are effective, to tailor its health-related education and training efforts, and to provide effective technical assistance to miners and operators.

Some work-related illnesses, such as cyanide poisoning, are acute illnesses. Other occupational illnesses may take years to detect or develop and may not be recognized until after a miner leaves employment. As a result, a miner may be retired or otherwise off-work or deceased before an occupational illness is diagnosed or an award of compensation is made. Reporting the occupational illnesses of retired and former miners, along with active miners, is essential for providing a true picture of health conditions and practices in the mining industry, as well as for evaluating the effectiveness of controls in preventing work-related disease.

Section 50.20(a) requires mine operators, including independent contractors, to submit a report to MSHA when they are notified or otherwise learn that a miner has an illness which may have resulted from work in a mine, or for which an award of compensation has been made. Within 10 working days of becoming aware of such a diagnosis or award of compensation, the operator is required to report the occurrence by completing and mailing a Form 7000-1 to MSHA. An intent to contest the award or diagnosis does not relieve the mine operator of the responsibility to file the required report within 10 working days. (However, an operator need not report to MSHA within 10 working days any chest x-ray result if the operator is actively seeking a more definitive second opinion in a timely manner and has supporting documentation.)

Since 1978, when MSHA's part 50 requirements took effect, some mine operators have reported cases of occupational illness in retired and inactive miners formerly employed at the operators' mines. For example, in the past 5 years, one mine operator reported a case of lung disease to the Agency, stating that the "former employee has been informed by his doctor that he has contracted an occupational disease." Another mine operator reported to MSHA that an "employee has received an award from workers comp for exposure to coal dust * * * employee is now retired from this mine." A third mine operator reported cases of noise-induced hearing loss among retired miners. MSHA is concerned, however, that other mine operators have limited their reporting to miners who are still working when an occupational illness is diagnosed and that some mine operators have not reported all known work-related illnesses to the Agency. As an example, MSHA has learned of a miner who left his work and died while awaiting a lung transplant for silicosis; his illness was not reported to the Agency. Limiting reporting to currently employed miners understates the risk of work-related illness in mining and impairs MSHA's ability to take necessary corrective action to reduce hazards and protect the health of miners.

MSHA previously clarified the issue of reporting responsibilities on retired or inactive miners in 1987 by issuing Program Information Bulletin (PIB) No. 87-4C/87-2M for the purpose of "clarify[ing] operator compliance responsibilities for reporting occupational illnesses * * *" The PIB stated that the reporting requirements of 30 CFR part 50 apply "regardless

of whether the individual is currently working as a miner." The PIB was distributed to the entire mining community including every coal, metal, and nonmetal mine operator in the United States, as well as to key officials of trade and labor associations in the mining community. The text of the PIB is included as Appendix I of this notice. A list of the individuals to whom the PIB was distributed can be obtained from the Agency.

The 1987 PIB was never formally withdrawn, but neither was it incorporated into MSHA's Program Policy Manual, which was first issued in 1988. This may have caused confusion among some mine operators and even certain MSHA personnel about the responsibility to report cases of occupational illness in retired or otherwise inactive miners. This PPL will eliminate any ambiguity about the reporting requirements under part 50.

Beginning on the effective date of the PPL, MSHA will observe a grace period of 90 days to allow for unreported cases of occupational illness in retired or inactive miners from the previous 5 years to be submitted to MSHA in accordance with 30 CFR part 50 without penalty. This grace period will be announced at the time the PPL is issued.

MSHA is issuing this PPL to restate its occupational illness reporting requirements. The purpose of the PPL is to eliminate possible confusion about the reporting requirements as they apply to occupational illnesses among miners, including retired or inactive miners. MSHA requests written comments regarding the PPL from interested persons.

Draft Program Policy Letter

Subject: Reporting Occupational Illness

Scope: This Program Policy Letter (PPL) applies to mine operators, including independent contractors, and Mine Safety and Health Administration (MSHA) enforcement personnel.

Purpose: This PPL clarifies and restates MSHA's requirements for reporting occupational illnesses, including cases involving retired or inactive miners, under 30 CFR Part 50.

Policy: Under 30 CFR 50.20(a), mine operators and independent contractors are required to submit a report to MSHA when they are notified of a diagnosis or otherwise learn that a miner has an illness which may have resulted from work in a mine, or for which an award of compensation has been made. These reporting requirements apply regardless of the employment status of the miner (i.e., active, retired, otherwise off-work, or deceased) at the time of the diagnosis

or award. Within 10 working days of becoming aware of such a compensation award or diagnosis, the operator is required to report the occurrence by completing and mailing a Form 7000-1 to MSHA. An intent to contest the award or diagnosis does not relieve the mine operator of the responsibility to file the required report within 10 working days. (The limited exception is that an operator need not report to MSHA within 10 working days any chest x-ray result for which the operator is actively seeking a more definitive second opinion in a timely manner and has supporting documentation, as stated in Program Policy Manual Vol. III, 50.2.)

Effective Date: After considering comments from the public, MSHA anticipates that this PPL will take effect on March 12, 1998 and will be incorporated into MSHA's Program Policy Manual.

Authority: Section 103(h) of the Federal Mine Safety and Health Act of 1977.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

Appendix I

[Note: This is the text of the Program Information Bulletin that was widely distributed to the mining community in 1987. No changes have been made to the text. It is reprinted here solely for the convenience of miners, mine operators, and independent contractors.]

August 31, 1987

MSHA Program Information Bulletin No. 87-4C and 87-2M

Subject: Reporting Occupational Illnesses to MSHA

The purpose of this Bulletin is to clarify operator compliance responsibilities for reporting occupational illnesses under the Federal Mine Safety and Health Act of 1977.

Title 30, Code of Federal Regulations, Part 50 requires mine operators to report occupational illnesses of miners. A miner is defined as "any individual working in a mine," and occupational illness is defined as "an illness or disease which may have resulted from work at a mine or for which an award of compensation is made." Illnesses that are reportable include noise-induced hearing loss, silicosis, coal workers' pneumoconiosis (black lung), poisoning by toxic materials, and cancer. Part 50 further requires that the operator mail a completed Form 7000-1 to the Mine Safety and Health Administration (MSHA) within 10 working days after a miner is diagnosed as having an occupational illness.

Industry reporting activity for occupational illnesses suggests there is operator uncertainty about the relationship between Part 50 reporting obligations and the information provided to the operator through Federal and State occupational illness compensation programs.

In order to ensure that data reported by mine operators reflects the incidence of

occupational illnesses associated with the mining industry, the reporting requirements of Part 50 apply when compensation programs provide an operator notice that an individual has been awarded compensation for or is diagnosed as having an occupational illness resulting from employment in a mine, regardless of whether the individual is currently working as a miner. Thus, within 10 days of becoming aware of any such compensation award or diagnosis, the operator must report the occurrence by completing and mailing a Form 7000-1 to MSHA.

Accordingly, effective 30 days after the issuance date of this Bulletin, MSHA will require that operators report occupational illnesses consistent with the Part 50 regulations and the clarification provided by this bulletin. MSHA's district and subdistrict offices will be pleased to provide additional guidance or assistance regarding the reporting of occupational illnesses and the proper completion of the Form 7000-1.

Roy. L. Bernard,

Administrator, Metal and Nonmetal Mine Safety and Health.

Jerry L. Spicer,

Administrator, Coal Mine Safety and Health.

Inquiries

William H. Sutherland, Chief, Division of Health, Coal Mine Safety and Health, (703) 235-1358

Marvin W. Nichols, Jr., Chief, Division of Health, Metal and Nonmetal Mine Safety and Health, (703) 235-8307

Distribution

All Mine Operators, Coal and Metal and Nonmetal Coal District Managers, Mine Safety and Health Metal and Nonmetal District Managers, Mine Safety and Health Principal Officials, Headquarters Superintendent, National Academy

[FR Doc. 97-29635 Filed 11-10-97; 8:45 am]

BILLING CODE 4510-43-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-5919-7]

RIN 2060-AE-81

National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Reopening of public comment period.

SUMMARY: The EPA is announcing a 30-day reopening of the public comment period for the proposed "National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production." As initially published in the **Federal Register** on September 4,

1997 (62 FR 46804), written comments on the proposed rule were to be submitted to the EPA on or before November 3, 1997 (a 60-day public comment period). The public comment period is being reopened for 30 days and will now end on December 3, 1997.

DATES: Comments must be received on or before December 3, 1997.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to the Air and Radiation Docket and Information Center (6102), Attention: Docket No. A-96-38, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed under the **FOR FURTHER INFORMATION CONTACT** section. Comments and data may also be submitted electronically by following the instructions provided in the **SUPPLEMENTARY INFORMATION** section. No Confidential Business Information (CBI) should be submitted through electronic mail.

FOR FURTHER INFORMATION CONTACT: Mr. David Svendsgaard; Organic Chemicals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2380.

SUPPLEMENTARY INFORMATION: Electronic Filing. Electronic comments can be sent directly to the EPA at: a-and-r-docket@epamail.epa.gov. Electronic comments and data must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 or 6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A-96-38. Electronic comments may be filed online at many Federal Depository Libraries.

Discussion

On September 4, 1997, at 62 FR 46804, the EPA published the proposed National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production and provided a 60-day public comment period. Requests have been received to extend the public comment period beyond the 60 days originally provided. These requests have been made by businesses that will be affected by the rule. In consideration of these requests, the EPA is reopening the comment period by 30 days (until December 3, 1997), in order to give all interested persons the opportunity to comment fully.

Dated: November 3, 1997.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 97-29735 Filed 11-10-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 79

[FRL-5919-5]

Proposed Alternative Tier 2 Requirements for Baseline Gasoline and Oxygenated Gasoline Categories of Methyl Tertiary Butyl Ether, Ethyl Alcohol, and Other Oxygenates

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The purpose of this document is to announce that the Environmental Protection Agency (EPA) is extending the comment periods, which published on September 9, 1997 (62 FR 47400), on the proposed Alternative Tier 2 testing requirements under the fuel and fuel additive (F/FAs) registration testing requirements of 40 CFR part 79, subpart F an additional 60 days.

EPA has extended the comment periods for the following reasons. First, the API 211(b) Research Group has requested an extension because there are many inherent complexities in the proposed testing, especially in regard to the required exposure work. Second, the public has shown an interest in the testing being required under the proposed Alternative Tier 2 notification.

DATES: Comments on these proposed Alternative Tier 2 provisions must be received from the public by January 7, 1998. Comments on the proposed Alternative Tier 2 provisions now must be received from the API 211(b) Research Group within 120 days of their initial receipt of the proposed testing regimen.

ADDRESSES: Written comments on this proposed action should be addressed to Public Docket No. A-96-16, Waterside Mall (Room M-1500), Environmental Protection Agency, Air Docket Section, 401 M Street, S.W., Washington, D.C. 20460. Materials relevant to this rulemaking have been placed in Docket A-96-16. Documents may be inspected between the hours of 8:00 a.m. to 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: John Brophy, Environmental Scientist, U.S.

Environmental Protection Agency, Office of Air and Radiation, (202) 233-9068.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are those that manufacture gasoline with or without the fuel additives MTBE, ethyl tertiary butyl ether (ETBE), ethyl alcohol (EtOH), tertiary amyl methyl ether (TAME), diisopropyl ether (DIPE), and tertiary butyl alcohol (TBA) and manufacturers of these oxygenates and other gasoline additives. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Oil refiners, gasoline importers, oxygenate blenders, oxygenate and fuel additive manufacturers.

This table is not intended to be exhaustive, but, rather illustrates the types of entities that EPA is currently aware of that are likely to be regulated by this action. Other types of entities not listed in this table could also be regulated. To determine whether an entity not described by the examples listed in the table is subject to these requirements, refer to the applicability criteria in part 79 of title 40 of the Code of Federal Regulations. If questions remain regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

This document serves as a notice to all manufacturers of the subject F/FAs, that are not exempted from these requirements section.

EPA has extended the comment periods for the following reasons. First, the API 211(b) Research Group has requested an extension because there are many inherent complexities in the proposed testing, especially in regard to the required exposure work. Second, the public has shown an interest in the testing being required under the proposed Alternative Tier 2 notification.

Therefore, EPA has decided to extend the comment periods for both the the API 211(b) Research Group and for the public in order to assure that all commenters are able to fully review and comment on the proposed testing regimen.

The Agency notified the API 211(b) Research Group, by certified letter of the 60-day extension and a copy of this extension letter as well as the

notification letter of the proposed tests and schedule under the Alternative Tier 2 provisions have been placed in the public record.

In accordance with 40 CFR 79.56(a), manufacturers of F/FAs may satisfy the Subpart F testing requirements on a group basis, e.g. the API 211(b) Research Group. Each individual manufacturer that is a member of such a group, however, continues to be individually subject to the testing and data submission requirements.

This document serves as a notice to all manufacturers of the subject F/FAs, that are not exempted from these requirements under the small business provisions of 40 CFR 79.58(d), that they are subject to these requirements.

List of Subjects in 40 CFR Part 79

Environmental protection, Air pollution control, Gasoline, Conventional gasoline, Oxygenates, Methyl tertiary butyl ether, and Motor vehicle pollution.

Dated: November 3, 1997

Richard D. Wilson,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 97-29594 Filed 11-10-97; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AE 27

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing and Reopening of Comment Period on Proposed Threatened Status for Newcomb's Snail From the Island of Kauai, Hawaii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing and reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of a public hearing on the proposed threatened status for Newcomb's snail (*Erinna newcombii*). In addition, the Service has reopened the comment period. All parties are invited to submit comments on this proposal.

DATES: The public comment period now closes on December 15, 1997. Any comments received by the closing date will be considered in the final decision on this proposal. The public hearing

will be held from 2:00 p.m. to 4:00 p.m. and from 6:00 p.m. to 8:00 p.m. on Wednesday, December 3, 1997.

ADDRESSES: The public hearing will be held at the Outrigger Kauai Beach Hotel, 4331 Kauai Beach Drive, Lihue, Kauai, Hawaii. Written comments and materials concerning this proposal may be submitted at the hearing or sent directly to Mr. Brooks Harper, Field Supervisor, Ecological Services, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service, 300 Ala Moana Blvd., Room 3108, P.O. Box 50088, Honolulu, HI 96850. Comments and materials will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Christine Willis (see ADDRESSES section) or at 808/541-3441.

SUPPLEMENTARY INFORMATION:

Background

Newcomb's snail (*Erinna newcombii*) is a freshwater snail restricted to the island of Kauai, Hawaii. The distribution of this snail has greatly decreased from the known historic distribution and extant populations are presently limited to restricted habitats within five perennial streams on State land. The five known populations of this snail and its habitat are currently threatened by predation by a species of non-native predatory snail and two species of non-native marsh flies. These populations are also subject to an increased likelihood of extirpation from water development projects and naturally occurring events, including natural disasters such as hurricanes and landslides.

On July 21, 1997, the Service published a rule proposing threatened status for Newcomb's snail in the **Federal Register** (62 FR 38953-38958). Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*) requires that a public hearing be held if it is requested within 45 days of the publication of the proposed rule. A public hearing request by the State of Hawaii, Department of Land and Natural Resources, was received within the allotted time period. The Service has scheduled a public hearing on Lihue, Kauai on Wednesday, December 3, 1997, at the Outrigger Kauai Beach Hotel from 2:00 to 4:00 p.m. and from 6:00 to 8:00 p.m.

Oral and written comments will be accepted and treated equally. Parties wishing to make statements for the record should bring a copy of their statements to the hearing. Oral statements may be limited in length, if the number of parties present at the hearing necessitates such a limitation.

There are no limits to the length of written comments or materials presented at the hearing or mailed to the Service. Written comments carry the same weight as oral comments. Legal notices announcing the date, time, and location of the hearing are being published in newspapers concurrently with this **Federal Register** notice.

The comment period on the proposal was initially closed on September 19, 1997. To accommodate the hearing, the public comment period is reopened upon publication of this notice. Written comments may now be submitted until December 15, 1997, to the Service office in the ADDRESSES section.

Author: The primary author of this notice is Christine Willis (see ADDRESSES section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: November 3, 1997.

Cynthia U. Barry,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 97-29439 Filed 11-10-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 971030259-7259-01; I.D. 101497C]

RIN 0648-AJ96

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 24

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Framework Adjustment 24 to the Northeast (NE) Multispecies Fishery Management Plan (FMP). This framework would implement measures to adjust the Gulf of Maine (GOM) cod trip limit provision (1,000 lbs (453.6 kg) per day; 1,500 lbs (680.4 kg) per day, starting with day 5) by requiring vessels to come into port and report to NMFS at least once every 14 days and, for those vessels that exceed the trip limit, to remain in port until days-at-sea (DAS) used equate to the allowable cod

landings and by adjusting the trip limit boundary line from 42°00' N. lat. to 42°20' N. lat. east of 69°30' W. long.; allow vessels to carry-over up to 10 unused multispecies DAS into the next fishing year; and exempt vessels that fish in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area from certain provisions of the NE multispecies FMP, such as the DAS program. The intended effect of this rule is to improve the effectiveness of the GOM cod trip limit, promote safety, and provide flexibility and opportunity to vessels fishing under the multispecies stock-rebuilding program.

DATES: Comments must be received on or before December 10, 1997.

ADDRESSES: Comments on the rule should be sent to Andrew A. Rosenberg, Ph.D., Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930 ATTN: Susan A. Murphy. Copies of Amendment 7 to the FMP (Amendment 7), its regulatory impact review (RIR), and the final regulatory flexibility analysis (FRFA) contained with the RIR, its final supplemental environmental impact statement (FSEIS), and Framework Adjustment 24 documents are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council (Council), 5 Broadway, Saugus, MA 01906-1097.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this proposed rule should be sent to the Regional Administrator (See **ADDRESSES**) and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20502 (ATTN: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, (978) 281-9252.

SUPPLEMENTARY INFORMATION: The regulations implementing the FMP restrict landings of GOM cod. Vessels fishing under a multispecies DAS north of 42°00' N. lat. are allowed to retain up to 1,000 lb (453.6 kg) of cod per day, or any part of a day, for each of the first 4 days of a trip, and up to 1,500 lb (680.4 kg) of cod per day, or any part of a day, in excess of 4 consecutive days. To minimize discarding, vessels may land cod in excess of the trip limit provided that they do not call-out of the multispecies DAS program until DAS per trip correspond to the total allowable landings of cod per trip.

Recent concern has been raised that the intent of these regulations was being circumvented by fishers directing on GOM cod early in the trip and allowing

their DAS clock continue to run while returning to fish for other regulated species. This practice allows vessels to take advantage of the 1,500 lb (680.4 kg) cod trip limit after the fourth day of a "trip," and permits some Trip-gillnet category vessels, which normally bring in their nets at the end of each trip, to leave them in the water.

This framework proposes to adjust the GOM cod trip limit by requiring vessels subject to this provision (i.e., all vessels fishing under a multispecies DAS that are not fishing under the trip limit exemption specified at § 648.86(b)(2) and that have exceeded the trip limit) to remain in port until sufficient DAS have passed to equate to the cod landed. In addition, these vessels would be required to come into port and report to NMFS by calling either the cod hail line or the DAS call-out number within 14 days of starting a trip, whichever is appropriate. For instance, if the trip limit is exceeded, the operator would call the cod hail line, if not exceeded, the operator must call the DAS number and end the trip.

This measure is intended to prevent vessels from "running their clock" and taking advantage of the 1,500 lb (680.4 kg) cod trip limit after the fourth day of a trip, as well as help ensure that Trip-gillnet vessels retrieve their nets from the water periodically. Vessels exceeding the cod trip limit, and thus required to remain in port, may transit to another port, provided the operator or owner calls the cod hail line and reports the vessel name and permit number, time of departure, destination port, and estimated time of arrival before leaving the dock to transit. Transiting vessels would be required to stow all nets and would be prohibited from having fish on board the vessel.

Because current regulations contained in § 648.4(c)(2)(iii)(B) specify that gillnet vessels must select either the Day- or Trip-gillnet category for an entire fishing year, and since the cod trip limit as implemented may have influenced a vessel owner's selection, this framework would allow gillnet vessels to switch categories once during the 1997 fishing year. Vessels electing to change their gillnet category would need to complete the Gillnet Category Designation and Tag Program Application Form within 30 days of the date of effectiveness of the final rule implementing Framework 24. A vessel switching from the Trip- to Day-gillnet category would be required to take the full 120 days out of the gillnet fishery, starting with the time the vessel was issued a Day gillnet category designation.

Also, to better represent the stock boundary between GOM and Georges

Bank cod, this framework would modify the current GOM cod trip limit boundary. Specifically, the trip limit boundary line would be modified from 42°00' N. lat. to 42°20' N. lat. east of 69°30' W. long.

Due to a concern that unforeseen circumstances may result in forfeiture of DAS or fishing under unsafe circumstances, such as bad weather conditions or mechanical breakdowns near the end of the year, the Council developed a measure to allow vessels to carry-over up to 10 unused multispecies DAS from one fishing year to the next. This action would credit each active vessel with the amount of unused DAS remaining, up to a maximum of 10. The carry-over allowance could not be accumulated year to year; e.g., a vessel that receives an allocation of 88 DAS per year would not be allowed to use more than 176 DAS over a 2-year period. This measure would promote safety by reducing risk and increasing planning flexibility, while not compromising the conservation impact of the DAS program.

In September 1996 and 1997, NAFO allocated the U.S. allocations of redfish and *Illex* squid, as well as a small effort allocation for shrimp (*Pandalus* sp.). The U.S. has an interest in increasing U.S. participation in NAFO fisheries. In response, the Council developed steps to remove regulatory obstacles to allow vessels to fish for species currently regulated under the FMP and to land in U.S. ports. Specifically, Framework 24 would exempt multispecies vessels that possess a High Seas Fishing Compliance Act permit and that are fishing exclusively in the NAFO Regulatory Area from DAS, minimum mesh size, and possession limit requirements of the multispecies FMP. These vessels would, instead, be subject to the requirements imposed by NAFO. Vessels would be required to call the NMFS Office of Law Enforcement, nearest to the point where the vessel intends to offload, to declare their intent to fish in the NAFO area prior to leaving port, and to call-in by marine radio-telephone to the NMFS Law Enforcement Office nearest to the point of offloading when leaving the NAFO area to return home. If necessary for enforcement or administrative reasons, the Administrator, Northeast Region, NMFS (Regional Administrator) is authorized to require that a NMFS-issued exemption certificate be on board the vessel.

NMFS is requesting comments on the proposed measures contained in this action, and in particular, the proposed modification of the current GOM cod trip limit boundary line. Comments

must be received on or before December 10, 1997.

Classification

This rule has been determined to be not significant for the purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. This certification is based on the following analysis which takes into account the applicable criteria established by the agency for determining whether economic impacts on small entities are "significant" under the Regulatory Flexibility Act. For the purposes of the GOM cod trip limit adjustment and the 10-DAS carry-over provision, there are approximately 1,650 limited access multispecies vessels, virtually all of which are small entities that are subject to these regulations. However, based on the best available information, both of these measures would affect fewer than 20 percent of the vessels in the fishery. Recent information shows that most vessels have begun redirecting effort off GOM cod and, therefore, are not catching cod at rates greater than the trip limit. Preliminary reports show that for the first 2 months of the 1997 fishing year, 250 calls were made to the cod hail line. This figure constitutes fewer than 5 percent of the 5,300 DAS notification calls made during this time. Further, with a 50 percent DAS reduction now in effect (May 1, 1997), a strong incentive exists for vessels to call-in and end a DAS trip, i.e., not exceeding the cod trip limit. In regards to the DAS carry-over provision, based on 1996 DAS utilization rates, it is anticipated that far fewer than 20 percent of all vessels will utilize their DAS to within 10 days of their annual allocation. Of those that do, only a subset will actually benefit, that is, use the carryover. For the NAFO exemptions proposed in this rule, the universe of vessels for practical purposes is limited to the vessels that are physically capable of making the trip. As these exemptions would apply to all vessels regardless of whether or not they have a multispecies permit, the universe of small entities is all U.S. vessels capable of making the trip. Variables involved in determining ability to make a trip include vessel size, hull design, fuel capacity, captain and crew experience, and weather conditions. Based on this, the number of affected vessels cannot be currently

estimated; however, recent information shows that a total of 40 vessels have obtained a High Seas Fishing Compliance Act permit from NMFS and, thus, have indicated an interest in participating in this exemption program. Considering the necessity of vessel capability and the limited number of vessels that have demonstrated an interest thus far in fishing in the NAFO Regulatory Area, the impact of these exemptions is expected to be positive since it provides additional opportunity to fish and, therefore, will not have a significant adverse effect. As a result, an initial regulatory flexibility analysis was not prepared.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection-of-information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains three new collection-of-information requirements. The collection-of-information requirements have been submitted to the OMB for approval under control number 0648-0202, and the estimated response times are as follows:

1. Declaration of transit to another port under the exception to the cod trip limit requirement to remain in port (1-minute response when made in conjunction with a cod hail line call, 3-minutes response when made as a separate call).

2. Declaration to fish in and to leave the NAFO Regulatory Area (3-minutes response for initial call, 5-minutes response for second call).

3. Request for letter of authorization to fish in the NAFO Regulatory Area (3-minutes response).

This rule also restates current information requirements that had been approved by OMB under the PRA and that are needed for the implementation of Framework Adjustment 24. These current information requirements are approved under OMB control number 0648-0202. Their estimated response times are as follows:

1. Declaration into the Trip or Day gillnet vessel category and request for initial gillnet tags requires written declaration (5-minutes response).

2. Declaration of 120 days out of the gillnet fishery in minimum blocks of 7 days requires vessel notification (3-minutes response).

3. Reporting of cod catch on board and off-loaded for vessels fishing north of the cod exemption line, specified at § 648.86(b)(1), while fishing under a NE

multispecies DAS requires vessel notification (3-minutes response).

4. Declaration that a vessel will be fishing south of the cod exemption line, specified at § 648.86(b)(2), while fishing under a NE multispecies DAS requires vessel notification (2-minutes response).

Send comments regarding these burden estimates or any other aspect of the data requirements, including suggestions for reducing the burden, to the Regional Administrator and to OMB (see ADDRESSES).

Public comment is sought regarding whether this proposed collection of information is necessary and practical for the proper performance of the functions of the agency; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection-of-information techniques or other forms of information technology.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: November 5, 1997.

David Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.2, the definitions for "NAFO", "NAFO Convention Area", and "NAFO Regulatory Area" are added, in alphabetical order, to read as follows:

§ 648.2 Definitions.

* * * * *

NAFO means Northwest Atlantic Fisheries Organization.

NAFO Convention Area means the waters of the Northwest Atlantic Ocean north of 35°00' N. lat. and west of a line extending due north from 35°00' N. lat. and 42°00' W. long. to 59°00' N. lat., thence due west to 44°00' W. long., and thence due north to the coast of Greenland and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10' N. lat.

NAFO Regulatory Area means the part of the NAFO Convention Area that lies beyond the 200-mile zones of the coastal States.

* * * * *

3. In § 648.4, paragraphs (a)(1) introductory text and (c)(2)(iii)(B) are revised to read as follows:

§ 648.4 Vessel and individual commercial permits.

(a) * * *

(1) *NE multispecies vessels.* Except for vessels that have been issued a valid High Seas Fishing Compliance Act permit, have declared their intent to fish, and fish exclusively in the NAFO Regulatory Area as provided in § 648.17(a), any vessel of the United States, including a charter or party boat, must have been issued and have on board a valid multispecies permit to fish for, possess or land multispecies finfish in or from the EEZ. Multispecies frames used as, or to be used as, bait on a vessel fishing exclusively with pot gear are deemed not to be multispecies finfish for purposes of this part provided that there is a receipt for the purchase of those frames on board the vessel.

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(B) For vessels fishing for NE multispecies with gillnet gear, with the exception of vessels under the Small Vessel permit category, an annual declaration as either a Day or Trip gillnet vessel designation as described in § 648.82(k). Vessel owners electing a Day gillnet designation must indicate the number of gillnet tags that they are requesting and must include a check for the cost of the tags. A permit holder letter will be sent to all eligible gillnet vessels informing them of the costs associated with this tagging requirement and directions for obtaining tags. Except for fishing year 1997, once a vessel owner has elected this designation, he/she may not change the designation or fish under the other gillnet category for the remainder of the fishing year. For the 1997 fishing year, a vessel may change its gillnet category designation once, provided the vessel owner submits a Gillnet Category Designation and Tag Program Application Form to NMFS within 30 calendar days of the effectiveness date of this provision. Incomplete applications, as described in paragraph (e) of this section, will be considered incomplete for the purpose of obtaining authorization to fish in the NE multispecies gillnet fishery and will be processed without a gillnet authorization.

* * * * *

4. In § 648.10, paragraph (c)(5) is revised and paragraph (f)(3) is added to read as follows:

§ 648.10 DAS notification requirements.

* * * * *

(c) * * *

(5) Any vessel that possesses or lands per trip more than 400 lb (181.44 kg) of scallops, and any vessel issued a limited access multispecies permit subject to the DAS program and call-in requirement that possesses or lands regulated species, except as provided in §§ 648.17 and 648.89, shall be deemed in the DAS program for purposes of counting DAS, regardless of whether the vessel's owner or authorized representative provided adequate notification as required by paragraph (c) of this section.

* * * * *

(f) * * *

(3) *Cod trip limit call-in.* (i) A vessel subject to the cod landing limit restriction specified in § 648.86(b)(1)(i), that has not exceeded the allowable limit of cod based on the duration of the trip, must enter port and call-out of the DAS program no later than 14 DAS after starting (i.e., the time of issuance of a DAS authorization number) a multispecies DAS trip.

(ii) A vessel subject to the cod trip limit restriction specified in § 648.86(b)(1)(i), that exceeds or is expected to exceed the allowable limit of cod based on the duration of the trip, must enter port no later than 14 DAS after starting (i.e., the time of issuance of a DAS authorization number) a multispecies DAS trip, and, must report, upon entering port and before offloading, its hailed weight of cod under the separate call-in system specified at § 648.86(b)(1)(ii)(B). Such vessel must remain in port, unless for transiting purposes as allowed in § 648.86(b)(3), and may not call-out of the DAS program for that trip, until sufficient time has elapsed to account for and justify the amount of cod on board in accordance with § 648.86(b)(1)(ii).

5. In § 648.14, paragraphs (a)(12), (a)(13), (a)(31)(iii), (a)(33), (a)(35) through (37), (a)(47), (a)(55), (b), (c) introductory text, (d) introductory text, (e), (g) introductory text, (t), (x)(4)(i), and (ii) are revised, and paragraphs (a)(31)(iv), and (c)(22) through (25) are added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

* * * * *

(12) Fish for, take, catch, harvest, possess or land any species of fish regulated by this part in or from the EEZ, on or by a vessel, unless the vessel has a valid and appropriate permit issued under this part and the permit is

on board the vessel and has not been surrendered, revoked, or suspended, or unless otherwise specified in § 648.17.

(13) Purchase, possess or receive for a commercial purpose, or attempt to purchase possess or receive for a commercial purpose, any species regulated under this part unless in possession of a valid dealer permit issued under this part, except that this prohibition does not apply to species that are purchased or received from a vessel not issued a permit under this part that fished exclusively in state waters, or unless otherwise specified in § 648.17.

* * * * *

(31) * * *

(iii) The NE multispecies were harvested in or from the EEZ by a recreational fishing vessel; or

(iv) Unless otherwise specified in § 648.17.

* * * * *

(33) Sell, barter, trade, or otherwise transfer; or attempt to sell, barter, trade, or otherwise transfer for a commercial purpose any NE multispecies from a trip, unless the vessel is holding a multispecies permit, or a letter under § 648.4(a)(1), and is not fishing under the charter/party vessel restrictions specified in § 648.89, or unless the NE multispecies were harvested by a vessel without a multispecies permit that fishes for NE multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

* * * * *

(35) Fish with, use, or have on board within the area described in § 648.80(a)(1), nets of mesh whose size is smaller than the minimum mesh size specified in § 648.80(a)(2), except as provided in § 648.80(a)(3) through (6), (a)(8), (a)(9), (d), (e) and (i), unless the vessel has not been issued a multispecies permit and fishes for NE multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

(36) Fish with, use, or have available for immediate use within the area described in § 648.80(b)(1), nets of mesh size smaller than the minimum size specified in § 648.80(b)(2), except as provided in § 648.80(b)(3), (d), (e), and (i), or unless the vessel has not been issued a multispecies permit and fishes for multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

(37) Fish with, use, or have available for immediate use within the area described in § 648.80(c)(1), nets of mesh size smaller than the minimum mesh size specified in § 648.80(c)(2), except as provided in § 648.80(c)(3), (d), (e), and

(i), or unless the vessel has not been issued a multispecies permit and fishes for NE multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

* * * * *

(47) Fish for the species specified in § 648.80(d) or (e) with a net of mesh size smaller than the applicable mesh size specified in § 648.80(a)(2), (b)(2), or (c)(2), or possess or land such species, unless the vessel is in compliance with the requirements specified in § 648.80(d) or (e), or unless the vessel has not been issued a multispecies permit and fishes for NE multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

* * * * *

(55) Purchase, possess, or receive as a dealer, or in the capacity of a dealer, regulated species in excess of the possession limit specified in § 648.86 applicable to a vessel issued a multispecies permit, unless otherwise specified in § 648.17.

* * * * *

(b) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraph (a) of this section, it is unlawful for any person owning or operating a vessel holding a multispecies permit, issued an operator's permit, or issued a letter under § 648.4(a)(1)(i)(H)(3), to land, or possess on board a vessel, more than the possession or landing limits specified in § 648.86(a) and (b), or to violate any of the other provisions of § 648.86, unless otherwise specified in § 648.17.

(c) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraphs (a) and (b) of this section, it is unlawful for any person owning or operating a vessel issued a limited access multispecies permit or a letter under § 648.4(a)(1)(i)(H)(3), unless otherwise specified in § 648.17, to do any of the following:

* * * * *

(22) Fail to comply with the exemption specifications as described in § 648.17.

(23) Fail to enter port and call-out of the DAS program no later than 14 DAS after starting (i.e., the time of the issuance of the DAS authorization number) a multispecies DAS trip, as specified in § 648.86(b)(1)(i), unless otherwise specified in § 648.86(b)(1)(ii), or unless the vessel is fishing under the cod exemption specified in § 648.86(b)(2).

(24) Fail to enter port and report the hail weight of cod no later than 14 DAS after starting (i.e., the time of the issuance of the DAS authorization

number) a multispecies DAS trip, if the vessel exceeds the allowable limit of cod specified in § 648.86(b)(1)(i), unless the vessel is fishing under the cod exemption specified in § 648.86(b)(2).

(25) Fail to remain in port for the appropriate time specified in § 648.86(b)(1)(ii)(A), except for transiting purposes, provided the vessel complies with § 648.86(b)(3).

(d) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraphs (a), (b), and (c) of this section, it is unlawful for any person owning or operating a vessel issued a multispecies handgear permit to do any of the following, unless otherwise specified in § 648.17:

* * * * *

(e) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraphs (a) through (d) of this section, it is unlawful for any person owning or operating a vessel issued a scallop multispecies possession limit permit to possess or land more than the possession limit of regulated species specified at § 648.88(c) or to possess or land regulated species when not fishing under a scallop DAS, unless otherwise specified in § 648.17.

* * * * *

(g) In addition to the general prohibitions specified in § 600.725 of this chapter and the prohibitions specified in paragraphs (a) through (f) of this section, it is unlawful for the owner or operator of a charter or party boat issued a multispecies permit, or of a recreational vessel, as applicable, to, unless otherwise specified in § 648.17:

* * * * *

(t) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraphs (a) through (h) of this section, it is unlawful for any person owning or operating a vessel issued a nonregulated multispecies permit to possess or land any regulated species as defined in § 648.2, or violate any applicable provisions of § 648.88, unless otherwise specified in § 648.17.

* * * * *

(x) * * *

(4) * * *

(i) Regulated species possessed for sale that do not meet the minimum sizes specified in § 648.83 for sale are deemed to have been taken or imported in violation of these regulations, unless the preponderance of all submitted evidence demonstrates that such fish were harvested by a vessel not issued a permit under this part fished exclusively within state waters, or by a vessel that fished exclusively in the NAFO Regulatory Area. This

presumption does not apply to fish being sorted on deck.

(ii) Regulated species possessed for sale that do not meet the minimum sizes specified in § 648.83 for sale are deemed taken from the EEZ or imported in violation of these regulations, unless the preponderance of all submitted evidence demonstrates that such fish were harvested by a vessel not issued a permit under this part fished exclusively within state waters, or by a vessel that fished exclusively in the NAFO Regulatory Area. This presumption does not apply to fish being sorted on deck.

* * * * *

6. Section 648.17 is added to read as follows:

§ 648.17 Exemptions for vessels fishing in the NAFO Regulatory Area.

(a) *Multispecies vessels.* (1) A vessel issued a valid High Seas Fishing Compliance Act permit under 50 CFR part 300 is exempt from multispecies permit, mesh size, effort-control, and possession limit restrictions, specified in §§ 648.4, 648.80, 648.82 and § 648.86, respectively, while transiting the EEZ with multispecies on board the vessel, or landing multispecies in U.S. ports that were caught while fishing in the NAFO Regulatory Area, provided:

(i) Prior to leaving port, the vessel operator notifies the Regional Administrator of his/her intent to fish in the NAFO Regulatory Area by calling the NMFS Office of Law Enforcement nearest to the point where the vessel intends to offload, (contact the Regional Administrator for locations and phone numbers), unless otherwise required by the Regional Administrator under paragraph (a)(2) of this section;

(ii) Prior to leaving the NAFO Regulatory Area to return to the EEZ, the vessel operator notifies the Regional Administrator by calling the NMFS Office of Law Enforcement nearest to the point of offloading (contact the Regional Administrator for locations and phone numbers) via marine-radio telephone or other voice

communications system, unless otherwise required by the Regional Administrator under paragraph (a)(2) of this section, and provides the following information: His/her intent to return to the EEZ, the vessels destination port, and the estimated time of arrival;

(iii) For the duration of the trip, the vessel fishes, except for transiting purposes, exclusively in the NAFO Regulatory Area and does not harvest fish in, or possess fish harvested in, or from, the EEZ;

(iv) When transiting the EEZ, all gear is properly stowed in accordance with

one of the applicable methods specified in § 648.81(e); and

(v) Vessels comply with the High Seas Fishing Compliance Act permit and all NAFO conservation and enforcement measures while fishing in the NAFO Regulatory Area.

(2) Vessels fishing in the NAFO Regulatory Area under the multispecies exemptions specified in paragraph (a)(1) of this section may be required to have a letter of authorization issued by the Regional Administrator on board the vessel should he/she determine that it is needed for purposes of enforcement and administration of this provision. In the event that a letter of authorization is required, vessel owners will be informed through a permit holder letter at least two weeks prior to the change.

(b) [Reserved]

7. Section 648.80 is amended by revising the introductory text to read as follows:

§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing.

Except as provided in § 648.17(a), all vessels must comply with the following minimum mesh size, gear and methods of fishing requirements, unless otherwise exempted or prohibited.

* * * * *

8. In § 648.82, paragraph (a) and (k)(1)(iv)(A) are revised and (k)(1)(iv)(D) and (l) are added to read as follows:

§ 648.82 Effort-control program for limited access vessels.

(a) General. Except as provided in § 648.17(a), a vessel issued a limited access multispecies permit may not fish for, possess, or land regulated species, except during a DAS as allocated under and in accordance with the applicable DAS program described in this section, unless otherwise provided in these regulations.

* * * * *

(k) * * *

(l) * * *

(iv) * * *

(A) During each fishing year, vessels must declare, and take, a total of 120 days out of the non-exempt gillnet fishery. Each period of time declared and taken must be a minimum of 7 consecutive days. At least 21 days of this time must be taken between June 1 and September 30 of each fishing year, unless otherwise specified in paragraph (k)(1)(iv)(D) of this section. The spawning season time out period required by § 648.82(g) will be credited toward the 120-days time out of the non-exempt gillnet fishery. If a vessel owner has not declared and taken, any or all of the remaining periods of time required by the last possible date to

meet these requirements, the vessel is prohibited from fishing for, possessing, or landing regulated multispecies or non-exempt species harvested with gillnet gear, and from having gillnet gear on board the vessel that is not stowed in accordance with § 648.81(e)(4), while fishing under a multispecies DAS, from that date through the end of the period between June 1 and September 30, or through the end of the fishing year, as applicable, unless otherwise specified in paragraph (k)(1)(iv)(D) of this section.

* * * * *

(D) For the 1997 fishing year, vessels that switch mid-year from the Trip gillnet category to the Day gillnet category, as described in § 648.4(c)(2)(iii)(B), must take 120-days out of the non-exempt gillnet fishery between the time that the vessel receives its new Day gillnet category designation and gillnet tags and the end of the fishing year.

* * * * *

(l) *End-of-year carry-over.* With the exception of vessels that held a Confirmation of Permit History as described in § 648.4(a)(1)(i)(J) for the entire fishing year preceding the carry-over year, limited access vessels that have unused DAS on the last day of April of any year, may carry over a maximum of 10 DAS into the next year. This carry-over allowance may not be accumulated year-to-year, e.g., a vessel that receives an allocation of 88 DAS per fishing year is not allowed to use more than 176 DAS over a 2-year period.

9. In § 648.83, paragraph (a)(1) introductory text is revised to read as follows:

§ 648.83 Minimum fish sizes.

(a) * * *

(1) Minimum fish sizes for recreational vessels and charter/party vessels that are not fishing under a NE multispecies DAS are specified in § 648.89. Except as provided in § 648.17(a), all other vessels are subject to the following minimum fish sizes (TL):

* * * * *

10. In § 648.86, introductory text and paragraph (b)(3) are added, and (b)(1) introductory text, (b)(1)(i), and (ii) introductory text, (b)(1)(ii)(A) and (B), and (b)(2) are revised to read as follows:

§ 648.86 Possession restrictions.

Except as provided in § 648.17(a) of this section, the following possession restrictions apply:

* * * * *

(b) * * *

(1) *Gulf of Maine trip limit.* (i) Except as provided in paragraph (b)(1)(ii) and

(b)(2) of this section, and subject to the cod trip limit call-in provision specified at § 648.10(f)(3)(i), a vessel fishing under a NE multispecies DAS may land up to 1,000 lb (453.6 kg) of cod per DAS, or any part of a DAS, for each of the first 4 days of a trip, and may land up to 1,500 lb (680.4 kg) of cod per day for each DAS, or any part of a day, in excess of 4 consecutive DAS. A day, for the purposes of this paragraph, means a 24-hour period. Vessels calling-out of the multispecies DAS program under § 648.10(c)(3) that have utilized "part of a DAS" (less than 24 hours) may land up to an additional 1,000 lb (453.6 kg) of cod for that "part of a DAS"; however, such vessels may not end any subsequent trip with cod on board within the 24-hour period following the beginning of the "part of the DAS" utilized (e.g., a vessel that has called-in to the multispecies DAS program at 3 p.m. on a Monday and ends its trip the next day (Tuesday) at 4 p.m. (accruing a total of 25 hours) may legally land up to 2,000 lb (907.2 kg) of cod on such a trip, but the vessel may not end any subsequent trip with cod on board until after 3 p.m. on the following day (Wednesday)). Cod on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) A vessel subject to the cod landing limit restrictions described in paragraph (b)(1)(i) of this section, and subject to the cod trip limit call-in provision specified at § 648.10(f)(3)(ii), may come into port with and offload cod in excess of the landing limit as determined by the number of DAS elapsed since the vessel called into the DAS program, provided that:

(A) The vessel operator does not call-out of the DAS program as described under § 648.10(c)(3), and remains in port, unless for transiting purposes as allowed in paragraph (b)(3) of this section, until sufficient time has elapsed to account for and justify the amount of cod harvested at the time of offloading regardless of whether all of the cod on board is offloaded (e.g., a vessel that has called-in to the multispecies DAS program at 3 p.m. on Monday may fish and come back into port at 4 p.m. on Wednesday of that same week with 4,000 lb (1,814.4 kg) of cod, and offload some or all of its catch, but cannot call out of the DAS program until 3:01 p.m. the next day, Thursday (i.e., 3 days plus one minute); and

(B) Upon returning to port and before offloading, the vessel operator notifies the Regional Administrator (see Table 1 to § 600.502 for the Regional Administrator's address) and provides

the following information: Vessel name and permit number, owner and caller name, DAS confirmation number, phone number, and the hail weight of cod on board and the amount of cod to be offloaded, if any. A vessel that has not exceeded the landing limit and is offloading and ending its trip by calling out of the multispecies DAS program does not have to report under this call-in system.

* * * * *

(2) *Exemption.* A vessel fishing under a NE multispecies DAS is exempt from the landing limit described in paragraph (b)(1) when fishing south of a line beginning at the Cape Cod, MA coastline at 42°00' N. lat. and running eastward along 42°00' N. lat. until it intersects with 69°30' W. long., then northward along 69°30' W. long. until it intersects with 42°20' N. lat., then eastward along 42°20' N. lat. until it intersects with 67°20' W. long., then northward along 67°20' W. long. until it intersects with the U.S.-Canada maritime boundary, provided that it does not fish north of this exemption area for a minimum of 30 consecutive days (when fishing under the multispecies DAS program), and has on board an authorization letter issued by the Regional Administrator. Vessels exempt from the landing limit requirement may transit the GOM/GB Regulated Mesh Area north of this exemption area, provided that their gear is stowed in accordance with one of the provisions of § 648.81(e).

(3) *Transiting.* A vessel that has exceeded the cod trip limit as specified in paragraph (b)(1) of this section and is, therefore, subject to remain in port for the period of time described in paragraph (b)(1)(ii)(A) of this section, may transit to another port during this time, provided that the vessel operator notifies the Regional Administrator (see Table 1 to § 600.502 for the Regional Administrator's address) either at the time the vessel reports its hailed weight of cod or at a later time prior to transiting, and provides the following information: Vessel name and permit number, destination port, time of departure, and estimated time of arrival. A vessel transiting under this provision must stow its gear in accordance with one of the methods specified in

§ 648.81(e), and may not have any fish on board the vessel.

* * * * *

[FR Doc. 97-29706 Filed 11-10-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 110597A]

RIN: 0648-AH67

Fisheries of the Exclusive Economic Zone Off Alaska; Forage Fish Species Category

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of amendments to fishery management plans; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 36 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 39 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs) for Secretarial review. Amendments 36 and 39 would define a forage fish species category in both FMPs and implement associated management measures. The intended effect of the amendments is to prevent the development of an unrestricted fishery for forage fish, which are a critical food source for many marine mammal, seabird, and fish species.

DATES: Comments on Amendment 36 and 39 must be received by January 12, 1998.

ADDRESSES: Comments on Amendments 36 and 39 should be submitted to the Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the amendments and the Environmental

Assessment/Regulatory Impact Review prepared for the amendments are available from NMFS at the above address, or by calling the Alaska Region, NMFS, at 907-586-7228.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907-586-7228.

SUPPLEMENTARY INFORMATION: The intent of the Council is to implement a program that would establish a forage fish species category and would allow for the management of these species in a manner that prevents the development of a commercial directed fishery for forage fish, which are a critical food source for many marine mammal, seabird and fish species. Management measures for this species category will be specified in regulations and may include such measures as prohibitions on directed fishing, limitations on allowable bycatch retention amounts, or limitations on the sale, barter, trade or any other commercial exchange, as well as the processing of forage fish in a commercial processing facility.

A proposed rule to implement Amendments 36 and 39 has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the amendments, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish it in the **Federal Register** for public review and comment.

Comments received by January 12, 1998, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve Amendments 36 and 39. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on these amendments or on the proposed rule during their respective comment periods will be addressed in the final rule.

Dated: November 5, 1997.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97-29769 Filed 11-10-97; 8:45 am]

BILLING CODE 3510-22-F

Notices

Federal Register

Vol. 62, No. 218

Wednesday, November 12, 1997

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97-106-1]

Availability of an Environmental Assessment and Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the proposed release into the environment of nonindigenous species of wasps for use as biological control agents to suppress the Pink Hibiscus Mealybug. The environmental assessment provides a basis for our conclusion that the

release into the environment of the biological control agents will not present a risk of introducing plant pests into the United States or disseminating plant pests within the United States and will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Dale E. Meyerdirk, Senior Staff Officer, Pink Hibiscus Mealybug Program, PPQ, APHIS, 4700 River Road Unit 135, Riverdale, MD 20737-1236, (301) 734-5667. For copies of the environmental assessment and finding of no significant impact, write to Dr. Meyerdirk at the same address. Please refer to the title of the environmental assessment when ordering copies.

SUPPLEMENTARY INFORMATION: As a part of a biological control project to suppress the Pink Hibiscus Mealybug (PHM) (*Maconellicoccus hirsutus*) (Homoptera: Pseudococcidae), the Animal and Plant Health Inspection Service (APHIS) is proposing to release nonindigenous wasps in the genus *Leptomastix* in the continental United States and its Caribbean territories. PHM is currently established on the islands of St. Thomas, St. Croix, and St. John in the U.S. Virgin Islands and on Vieques of Puerto Rico. However, we anticipate that PHM will spread to other U.S. territories in the Caribbean and to the mainland United States. As PHM spreads, nonindigenous wasps in the genus *Leptomastix*, which have controlled PHM in Egypt, would be released in affected areas to suppress PHM. PHM is a devastating pest of cocoa, grapes, fiber crops, hibiscus, and many other field crops and ornamental plants.

To provide the public with documentation of APHIS' review and analysis of the environmental impact and plant pest risk associated with releasing these biological control agents into the environment, we have prepared an environmental assessment and finding of no significant impact relative to the release into the environment of the following biological control agents:

Organisms	Title of environmental assessment	Date of finding of no significant impact
<i>Leptomastix</i> spp.	"Field Releases of Nonindigenous Species of <i>Leptomastix</i> (Hymenoptera: Encyrtidae) for Biological Control of Pink Hibiscus Mealybug, <i>Maconellicoccus hirsutus</i> (Homoptera: Pseudococcidae)" (September 1997).	10/14/97

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 5th day of November 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-29712 Filed 11-10-97; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-405-802]

Cut-to-Length Carbon Steel Plate From Finland; Antidumping Duty Administrative Review; Extension of Time Limit

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the final results of the antidumping duty administrative review of Cut-to-Length Carbon Steel Plate from Finland. This review covers the period August 1, 1995 through July 31, 1996.

EFFECTIVE DATE: November 12, 1997.

FOR FURTHER INFORMATION CONTACT:

Linda Ludwig, Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3833.

SUPPLEMENTARY INFORMATION: Due to unforeseen circumstances facing the Department at this time, it is not practicable to complete this review within the original time limit. The Department is extending the time limit for completion of the final results until December 15, 1997, in accordance with Section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994 (19 U.S.C. 1675 (a)(30(A))). See memorandum to Robert S. La Russa from Joseph A. Spetrini regarding the extension of case deadline, dated November 3, 1997.

Dated: November 4, 1997.

Joseph A. Spetrini,

Deputy Assistant Secretary Enforcement Group III.

[FR Doc. 97-29768 Filed 11-10-97; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-803]

Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews.

SUMMARY: In response to requests by the petitioner and five exporters of the subject merchandise, the Department of Commerce is conducting administrative reviews of the antidumping orders on heavy forged hand tools, finished or unfinished, with or without handles, from the People's Republic of China. These reviews cover five exporters of the subject merchandise, Tianjin

Machinery Import & Export Corporation, Fujian Machinery & Equipment Import & Export Corporation, Shandong Machinery Import & Export Corporation, Liaoning Machinery Import & Export Corporation, and Shandong Huarong General Group Corporation. The period of review is February 1, 1996 through January 31, 1997.

We have preliminarily determined that sales have been made below normal value. If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to assess antidumping duties on appropriate entries. Interested parties are invited to comment on these preliminary results. Parties who submit argument are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: November 12, 1997.

FOR FURTHER INFORMATION CONTACT:

Matthew Blaskovich or James Terpstra, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-5831/3965.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise stated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR Part 353 (April 1997). Although the Department of Commerce's new regulations, codified at 19 CFR part 351 (62 FR 27296, May 19, 1997), do not govern these proceedings, citations to those regulations are provided, where appropriate, to explain current Departmental practice.

Background

On February 19, 1991, the Department of Commerce (Department) published in the **Federal Register** (56 FR 6622) the antidumping duty orders on heavy forged hand tools, finished or unfinished, with or without handles (certain heavy forged hand tools or HFHTs) from the People's Republic of China (PRC). On February 3, 1997, the Department published in the **Federal Register** (62 FR 4978) a notice of opportunity to request administrative reviews of these antidumping duty orders. In accordance with 19 CFR

353.22(a), on February 21 and 25, 1997, three exporters of the subject merchandise, Tianjin Machinery Import & Export Corporation (TMC), Fujian Machinery & Equipment Import & Export Corporation (FMEC), and Shandong Machinery Import & Export Corporation (SMC), requested that the Department conduct administrative reviews of their exports of axes/adzes; bars/wedges; hammers/sledges; and picks/matlocks. On February 26, 1997, another exporter, Liaoning Machinery Import & Export Corporation (LMC), requested that the Department conduct an administrative review of its exports of bars and wedges. Also on February 26, 1997, Olympia Industrial, Inc., a U.S. importer of the subject merchandise, requested administrative reviews of Shandong Huarong General Corporation's (Shandong Huarong) exports of bars/wedges and FMEC's exports of axes/adzes; bars/wedges; hammers/sledges; and picks/matlocks. On February 28, 1997, the petitioner, WVS Corporation, formerly known as Woodings-Verona Tool Works, Inc., requested administrative reviews of SMC's and FMEC's exports of axes/adzes; bars/wedges; hammers/sledges; and picks/matlocks and TMC's exports of axes/adzes and hammers/sledges.

We published the notice of initiation of these reviews on March 18, 1997 (62 FR 12793). In its May 16, 1997 response to Section A of the Department's questionnaire, TMC withdrew its request for a review of bars/wedges and picks/matlocks because it did not export these products during the period of review. Because TMC withdrew its request within the time limit provided by the Department's regulations at 19 CFR section 353.22(a)(5), the Department is terminating its review of bars/wedges and picks/matlocks with respect to TMC. The Department is conducting these administrative reviews in accordance with section 751 of the Act.

Scope of Reviews

Imports covered by these reviews are shipments of HFHTs from the PRC comprising the following classes or kinds of merchandise: (1) Hammers and sledges with heads over 1.5 kg (3.33 pounds) (hammers/sledges); (2) bars over 18 inches in length, track tools and wedges (bars/wedges); (3) picks/matlocks; and (4) axes/adzes.

HFHTs include heads for drilling, hammers, sledges, axes, mauls, picks, and matlocks, which may or may not be painted, which may or may not be finished, or which may or may not be imported with handles; assorted bar

products and track tools including wrecking bars, digging bars and tampers; and steel wood splitting wedges. HFHTs are manufactured through a hot forge operation in which steel is sheared to required length, heated to forging temperature, and formed to final shape on forging equipment using dies specific to the desired product shape and size. Depending on the product, finishing operations may include shot-blasting, grinding, polishing and painting, and the insertion of handles for handled products. HFHTs are currently classifiable under the following Harmonized Tariff System (HTS) subheadings: 8205.20.60, 8205.59.30, 8201.30.00, and 8201.40.60. Specifically excluded are hammers and sledges with heads 1.5 kg (3.33 pounds) in weight and under, hoes and rakes, and bars 18 inches in length and under.

Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these orders is dispositive.

Duty Absorption

On April 17, 1997, WVS Corporation requested that the Department conduct a duty absorption inquiry in order to determine whether antidumping duties had been absorbed by a foreign producer or exporter subject to the order. This request was made pursuant to the March 18, 1997, notice of initiation of administrative review (62 FR 12793). However, the Department's invitation for such requests only applies to certain administrative reviews of orders that were in effect before January 1995.

Section 751(a)(4) provides for the Department, if requested, to determine, during an administrative review initiated two years or four years after publication of the order, whether antidumping duties have been absorbed by a foreign producer or exporter subject to the order if the subject merchandise is sold in the United States through an importer who is affiliated with such foreign producer or exporter. Section 751(a)(4) was added to the Act by the URAA. The Department's interim regulations did not address this provision of the Act.

For transition orders as defined in section 751(c)(6)(C) of the Tariff Act, *i.e.*, orders in effect as of January 1, 1995, section 351.213(j)(2) of the Department's new antidumping regulations provides that the Department will make a duty-absorption determination, if requested, for any administrative review initiated in 1996 or 1998. Although these antidumping regulations do not apply to this review, they do represent the Department's

interpretation of section 751(a)(4) of the Act. This approach ensures that interested parties will have the opportunity to request a duty-absorption determination prior to the time for sunset review of the order under section 751(c) on entries for which the second and fourth years following an order have already passed. Because the antidumping duty order in HFHTs from the PRC has been in effect since 1991, this is a "transition order" in accordance with section 751 (c)(b)(C) of the Tariff Act. Since this administrative review was not initiated in 1996 or 1998, the Department will not make a duty absorption determination.

Verification

Because Shandong Huarong and LMC had not been previously reviewed we verified these companies' questionnaire responses as provided in Section 782 (i) of the Act. From August 25 through September 6, 1997, we conducted the verifications using standard verification procedures, including on-site inspection of the manufacturers' facilities, the examination of relevant accounting, sales, and other financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification reports which are on file in the Central Records Unit (CRU) in room B-099 of the Main Commerce Building.

Facts Available

Section 776(a)(2) of the Act provides that if an interested party: (1) Withholds information that has been requested by the Department; (2) fails to provide such information in a timely manner or in the form or manner requested; (3) significantly impedes a determination under the antidumping statute; or (4) provides such information but the information cannot be verified, the Department shall, subject to Section 782(d) of the Act, use facts otherwise available in reaching the applicable determination. The quantities the respondents reported for factors of production were "caps" or standards based on the producer's experience. At verification, LMC's supplier was unable to provide any documentation that substantiated the accuracy of the "caps" reported for labor and paint. Because the reported information could not be verified, we must use facts otherwise available to determine the amount of labor and paint used to produce the subject merchandise.

Section 776(b) of the Act provides that adverse inferences may be used with respect to a party that has failed to cooperate by not acting to the best of its

ability to comply with requests for information. See also Statement of Administrative Action (SAA) accompanying the URAA, at 870. We determined that LMC did not act to the best of its ability because it failed to provide any information that could be used to support the reasonableness of the reported labor usage and paint consumption. Therefore, as adverse facts available, we have assigned labor usage and paint consumption figures to each model of subject merchandise equal to the greatest figures reported for each factor for any of the models of subject merchandise manufactured by LMC's producer. For further discussion regarding the use of facts available, see Decision Memorandum to Richard W. Moreland, Acting Deputy Assistant Secretary, Group II, dated October 31, 1997, "Use of Facts Available: 1996/1997 Antidumping Duty Administrative Review of Certain Heavy Forged Hand Tools From the People's Republic of China," which is on file in the CRU.

Separate Rates

To establish whether a company operating in a state-controlled economy is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China (56 FR 20588, May 6, 1991) (Sparklers), as amplified in the Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China (59 FR 22585 May 2, 1994) (Silicon Carbide). Under this policy, exporters in non-market-economy (NME) countries are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of government control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and, (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of government control with respect to exports is based on four criteria: (1) *Whether export prices are set by or subject to the approval of a government authority;* (2) *whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits and financing of losses;* (3) *whether each exporter has autonomy in making*

decisions regarding the selection of management; and, (4) whether each exporter has the authority to negotiate and sign contracts. See *Silicon Carbide*, 59 FR at 22587.

In the final results of the 1995–1996 reviews of HFHTs, the Department granted separate rates to FMEC, SMC and TMC. See *Heavy Forged Hand Tools From the People's Republic of China*; *Final Results of Antidumping Duty Administrative Reviews* (62 FR 11813, March 13, 1997). In the instant reviews, these companies submitted complete responses to the separate rates section of the Department's questionnaire. Because the evidence submitted in the instant reviews is consistent with the Department's findings in the 1995–1996 reviews, we preliminarily determine that these three companies continue to be entitled to separate rates.

Shandong Huarong and LMC, which we had not previously reviewed, provided the Department with separate rates information that we examined at verification. After analyzing the record evidence using the criteria identified in *Sparklers and Silicon Carbide*, we have preliminarily found an absence of government control, both in law and in fact, with respect to both Shandong Huarong's and LMC's export activities. Accordingly, for this review, we have assigned separate rates to Shandong Huarong and LMC. For further discussion of this finding, see Decision Memorandum to Holly A. Kuga Senior Director Office IV, Enforcement, Group II, dated October 31, 1997, "Assignment of a separate rate for Shandong Huarong General Group Corporation and Liaoning Machinery Import & Export Corporation in the 1996/1997 administrative review of certain heavy forged hand tools from the People's Republic of China," which is on file in the CRU.

Export Price

The Department calculated an export price (EP) on sales to the United States in accordance with section 772(a) of the Act and because use of constructed export price was not otherwise warranted. We made deductions from the selling price to unaffiliated parties, where appropriate, for ocean freight, marine insurance, foreign brokerage and handling, and foreign inland freight. Each of these services was either provided by a non-market economy vendor or paid for using a non-market economy currency. Thus, we based the deduction for these movement charges on surrogate values (see the discussion regarding companies located in NME countries and the Department's

surrogate country selection in the *Normal Value* section of this notice).

We valued ocean freight using the October 1996 and July and August 1995 rates that were obtained and used in the 1995–1996 administrative review of HFHTs from the PRC (62 FR 11813, March 13, 1997) and the Final Determination of Sales at Less Than Fair Value: *Brake Drums and Brake Rotors From the People's Republic of China (Brake Drums and Brake Rotors)* (62 FR 9160, February 28, 1997), respectively. We valued marine insurance using the average rate in effect during the period November 1991 through April 1992. This rate was reported in public information placed on the record in the Final Determination of Sales at Less Than Fair Value: *Sulfur Dyes, Including Sulfur Vat Dyes From India* (58 FR 11835, March 1, 1993), and recently used in *Brake Drums and Brake Rotors*.

For foreign brokerage and handling, we used the average of the rates reported in the public version of a document submitted in the antidumping duty investigation of *Stainless Steel Bar From India* (59 FR 66915, December 28, 1994). These rates, which were in effect between October 1993 and January 1994, were recently used in the Final Determination of Sales at Less Than Fair Value: *Persulfates From the People's Republic of China* (62 FR 27222, May 19, 1997).

The sources used to value foreign inland freight are identified below in the *Normal Value* section of this notice. To account for price changes between the time period that the freight, brokerage, and insurance rates were in effect and the period of review (POR), we inflated or deflated the rates using the wholesale price indices (WPI) for India as published in the International Monetary Fund's (IMF) publication, *International Financial Statistics*. For further discussion of the surrogate values used in these reviews see the File Memorandum From the Team dated October 31, 1997, "Surrogate Values used for the Preliminary Results of the Sixth Administrative Reviews of Certain Heavy Forged Hand Tools From the People's Republic of China," (*Surrogate Value Memorandum*) which is on file in the CRU.

Normal Value

For companies located in NME countries, section 773(c)(1) of the Act provides that the Department shall determine normal value (NV) using a factors of production methodology if (1) the subject merchandise is exported from an NME country, and (2) available information does not permit the calculation of NV using home-market

prices, third-country prices, or constructed value, in accordance with Section 773(a) of the Act.

In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. Since none of the parties to these proceedings contested such treatment in these reviews, we calculated NV in accordance with section 773(c) of the Act and section 353.52 of the Department's regulations.

In accordance with section 773(c)(3) of the Act, the factors of production utilized in producing HFHTs include, but are not limited to—(A) hours of labor required, (B) quantities of raw materials employed, (C) amounts of energy and other utilities consumed, and (D) representative capital cost, including depreciation. In accordance with section 773(c)(4) of the Act, the Department valued the factors of production to the extent possible, using the prices or cost of factors of production in a market economy that is—(A) at a level of economic development comparable to the PRC, and (B) a significant producer of comparable merchandise. We determined that India is comparable to the PRC in terms of per capita gross national product, the growth rate in per capita income, and the national distribution of labor. Furthermore, India is a significant producer of comparable merchandise. For a further discussion of the Department's selection of India as the surrogate country, see Memorandum From Jeff May, Director, Office of Policy, to Holly Kuga, Director, Office 4, AD/CVD Enforcement Group II, dated June 24, 1997, "Certain Heavy Forged Hand Tools ("Hand Tools") from the PRC: Nonmarket Economy Status and Surrogate Country Selection" which is on file in the CRU.

In accordance with section 773(c)(1) of the Act, for purposes of calculating NV, we valued PRC factors of production based on data for the POR. Surrogate values that were in effect during periods other than the POR were inflated or deflated, as appropriate, to account for price changes between the effective period and the POR. We calculated the inflation or deflation adjustments for all factor values, except labor, using the wholesale price indices for India that were reported in the IMF's publication, *International Financial Statistics*. We calculated the inflation or deflation adjustment for labor using the consumer price indices (CPI) for India that were reported in the IMF's *International Financial Statistics*. We valued PRC factors of production as follows:

- We valued direct material used to produce HFHTs (*i.e.*, steel scrap, paint, paint thinner (dilution), and anti-rust oil) and the steel scrap generated from the production of HFHT's, using the rupee per metric ton, per kilogram, or per cubic meter value of India imports between February 1996 and August 1996. We used imports into India between April 1995 and March 1996 to value steel bars used to produce HFHTs because the Harmonized Tariff Schedule (HTS) subheading that we selected for the steel surrogate value, HTS 7214.50, does not appear in the Indian import statistics for April 1996 through August 1996. Although petitioner claimed that HTS subheading 7214.50 was changed to subheading 7214.99 for import statistics for 1996, we did not use statistics from the subheading suggested by petitioner because it was not clear that this change was implemented by India in its import statistics. For further discussion regarding the HTS category used to value steel, see Decision Memorandum to Holly A. Kuga, Senior Director, Enforcement Group II, dated October 31, 1997, "Issues Concerning Surrogate Values for Steel, Labor Rates and Trucking: 1996/1997 Antidumping Duty Administrative Review of Certain Heavy Forged Hand Tools From the People's Republic of China," which is on file in the CRU. We used import statistics in our valuations that were published in the Monthly Statistics of the Foreign Trade of India, Volume II—Imports (Indian Import Statistics).
- We valued labor using the October 1995 Indian labor rates reported in the International Labour Office's Statistics

on Occupational Wages and Hours of Work and on Food Prices, October Inquiry, 1994 and 1995.

- We derived ratios for factory overhead, selling, general and administrative (SG&A) expenses, and profit using information reported for 1992–1993 in the Reserve Bank of India Bulletin. From this information, we were able to calculate factory overhead as a percentage of direct material, labor, and energy expenses; SG&A as a percentage of the total cost of manufacturing; and profit as a percentage of the sum of the total cost of manufacturing and SG&A.
- We valued packing materials, including cartons, pallets, anti-rust paper, anti-damp paper, plastic straps, plastic bags, iron buttons and knots, and iron wire, using the rupee per metric ton, per kilogram, or per cubic meter value of imports into India between February 1996 and August 1996. Because iron straps were not imported into India between February 1996 and August 1996, we based the value of iron straps on imports between April 1995 and March 1996. The import values were published in the publication, Indian Import Statistics.
- We valued coal using the price of steam coal in 1996 as reported in the International Energy Agency's publication Energy Prices and Taxes, 1st Quarter 1997.
- We valued electricity, using the simple average of the March 1, 1995 Indian regional electricity prices for large industries as reported in the India's Energy Sector, September 1996, published by the Centre for Monitoring Indian Economy Pvt. Ltd.

- We used the following sources to value truck and rail freight services incurred to transport direct materials, packing materials, and coal from the suppliers of the inputs to the factories producing HFHTs:

Truck Freight—If a respondent used its own trucks to transport material or subject merchandise, we valued freight services using the average cost of operating a truck which we calculated from information published in the Times of India on April 24, 1994. If a respondent did not use its own trucks or the respondent did not state that it used its own trucks, we valued freight services using the rates reported in an August 1993 cable from the U.S. Embassy in India to the Department. See *Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers from the People's Republic of China* (58 FR 48833, September 20, 1993).

Rail Freight—We valued rail freight services using the April 1, 1995 rates published by the Indian Railway Conference Association. These rates were recently used in Brake Drums and Brake Rotors. For further discussion of the surrogate values used in these reviews, see the Surrogate Value Memorandum which is on file in the CRU.

Preliminary Results of the Reviews

As a result of our reviews, we preliminarily determine that the following margins exist for the period February 1, 1996 through January 31, 1997:

Manufacturer/exporter	Time period	Margin (percent)
Shandong Huarong General Group Corporation: Bars/Wedges	2/1/96–1/31/97	25.28
Liaoning Machinery Import & Export Corporation: Bars/Wedges	2/1/96–1/31/97	8.97
Fujian Machinery & Equipment Import & Export Corporation:		
Axes/Adzes	2/1/96–1/31/97	10.43
Hammers/Sledges	2/1/96–1/31/97	17.03
Shandong Machinery Import & Export Corporation:		
Bars/Wedges	2/1/96–1/31/97	52.29
Hammers/Sledges	2/1/96–1/31/97	32.60
Picks/Mattocks	2/1/96–1/31/97	53.43
Tianjin Machinery Import & Export Corporation:		
Axes/Adzes	2/1/96–1/31/97	7.28
Hammers/Sledges	2/1/96–1/31/97	44.30

Parties to the proceedings may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs

within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. Parties who submit argument in these proceedings are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the

argument. The Department will publish a notice of final results of these administrative reviews, which will include the results of its analysis of issues raised in any such comments.

Assessment Rates

The Department shall determine, and the Customs Service shall assess,

antidumping duties on all appropriate entries. Individual differences between EP and NV may vary from the percentages stated above. We have calculated importer-specific duty assessment rates for each class or kind of HFHTs by dividing the total dumping margins (calculated as the difference between NV and EP) for each importer/customer by the total number of units sold to that importer/customer. We will direct Customs to assess the resulting per-unit dollar amount against each unit of merchandise in each of the importer's/customer's entries under the relevant order during the review period.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of these administrative reviews for all shipments of HFHTs from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies named above which have separate rates (Shandong Huarong, LMC, TMC, FMEC, and SMC) will be the rates for those firms established in the final results of these administrative reviews for the classes or kinds listed above; (2) for all other PRC exporters, the cash deposit rates will be the PRC-wide rates established in the final results of the previous administrative reviews; and (3) the cash deposit rates for non-PRC exporters of subject merchandise from the PRC will be the rates applicable to the PRC supplier of that exporter. The PRC-wide rates are: 21.93 percent for axes/adzes; 66.32 percent for bars/wedges; 44.41 percent for hammers/sledges; and 108.2 percent for picks/mattocks. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under section 353.26 of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C.

1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: October 31, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97-29763 Filed 11-10-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-428-820]

Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Germany; Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: On September 25, 1997, the Department of Commerce ("the Department") published in the **Federal Register** (62 FR 50292) a notice announcing the initiation of an administrative review of the antidumping duty order on Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Germany, covering the period August 1, 1996 through July 31, 1997. The review has now been rescinded as a result of the withdrawal of the request for administrative review by the interested party that requested the review.

EFFECTIVE DATE: November 12, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Decker, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, telephone: (202) 482-0196.

SUPPLEMENTARY INFORMATION:

Background

On August 29, 1997, the Department received a request from the respondent in this case, Mannesmannrohren-Werke AG ("MRW") and Mannesmann Pipe & Steel Corporation ("MPS") (collectively "Mannesmann"), to conduct an administrative review of Mannesmann, pursuant to section 19 CFR 351.213(b) of the Department's regulations. The period of review is August 1, 1996 through July 31, 1997. On September 25, 1997, the Department published in the **Federal Register** (62 FR 50292) a notice

announcing the initiation of an administrative review of the antidumping duty order on Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Germany, covering the period August 1, 1996 through July 31, 1997.

Rescission of Review

On October 7, 1997, we received a timely request for withdrawal of the request for administrative review from Mannesmann. Because there were no other requests for administrative review from any other interested party, in accordance with section 351.213 (d) (1) of the Department's regulations, we have rescinded this administrative review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675) and 19 CFR 351.213 (d) (4).

Dated: October 29, 1997.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 97-29766 Filed 11-10-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-068]

Steel Wire Strand for Prestressed Concrete From Japan; Notice of Final Court Decision and Amended Final Results of Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final court decision and amended final results of antidumping duty administrative reviews.

SUMMARY: On April 22, 1997, the Court of International Trade (the Court) affirmed the Department of Commerce's (the Department) second remand determination arising out of the administrative reviews of the antidumping finding on steel wire strand for prestressed concrete ("PC Strand") from Japan. See *Mitsui & Co., Ltd. v. United States*, Slip Op. 97-49 (CIT April 22, 1997). As there is now a final and conclusive court decision in this action, we are amending the final results of review in this matter and will instruct the U.S. Customs Service to liquidate Mitsui's entries covered by these amended final results at the rates assigned to each of Mitsui's suppliers for the periods April 1, 1978 through

March 31, 1979; April 1, 1979 through November 30, 1980; December 1, 1980 through November 30, 1981; December 1, 1981 through November 30, 1982; and December 1, 1982 through November 30, 1983.

EFFECTIVE DATE: November 12, 1997.

FOR FURTHER INFORMATION CONTACT:

Mike Heaney or Linda Ludwig, Office Eight, Antidumping and Countervailing Duty Enforcement Group III, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4475.

SUPPLEMENTARY INFORMATION:

Background

On March 11, 1994, the Court issued an order remanding to the Department the final results of the administrative reviews of the antidumping finding on PC Strand from Japan, covering exports by Mitsui & Co. (Mitsui) during the period April 1, 1978 through November 30, 1985.¹ *Mitsui & Co. v. United States*, Slip Op. 94-44 (CIT March 11, 1994).

On August 5, 1994, in accordance with the Court's remand order, the Department filed its final results of redetermination. (See Final Redetermination Pursuant to the Court Remand, August 5, 1994, *Mitsui & Co., Ltd. v. United States*, Court No. 90-12-00633 (Remand Results 1)). In this determination, to determine whether Mitsui had engaged in middleman dumping during each period of review (POR), the Department considered whether a substantial portion of Mitsui's sales were at prices that were substantially below its acquisition costs. Based on our analysis of the number of sales made at prices below acquisition costs and the magnitude of resulting losses, the Department determined that Mitsui had engaged in middleman dumping because Mitsui made a "substantial number of sales at prices substantially below its acquisition cost" (See Final Remand Results 1 at 9).

In response to comments on the redetermination submitted by the plaintiffs and the defendant intervenor, the Department requested a remand to address clerical errors and methodological questions raised by both parties concerning the existence or absence of middleman dumping. (See

Defendant's Response to the Comments Filed by Plaintiffs and the Intervenor to the Redetermination Upon Remand Filed by the Department of Commerce, Nov. 30, 1994 *Mitsui & Co., Ltd. v. United States*.)

On June 10, 1996, the Court issued an order remanding the Department's Final Redetermination of August 1994. The Court directed the Department to: (1) Correct clerical errors noted by the plaintiffs and the defendant intervenor relating to currency conversion, average movement charges, and acquisition costs; (2) consider the methodological questions raised by plaintiffs relating to (a) the use of number of transactions as opposed to the relative quantity or value of PC strand, (b) the calculation of "value" in determining the extent of below-cost sales, (c) the calculation of the cost of acquisition, and (d) the need for information from Mitsui's suppliers in order to review the existence or absence of middleman dumping; and (3) consider the intervenor's claim that the Department failed to include certain expenses reported by Mitsui in its sales listings.

On October 9, 1996, the Department filed its second redetermination with the Court. (See Prestressed Concrete Strand from Japan, Final Results of Redetermination Pursuant to Court Remand, October 9, 1996, Court No. 90-12-00633 (Remand Results 2).) In this redetermination, the Department corrected clerical errors identified by both parties. With respect to the methodological issues, the Department determined that because a value-based methodology provides a more meaningful understanding of the extent to which merchandise has been sold below acquisition costs, a value-based methodology was appropriate to determine whether Mitsui had engaged in middleman dumping during the PORs. Accordingly, we determined whether a substantial portion of Mitsui's sales were below acquisition costs by comparing the total value of PC strand sales below acquisition costs to the total value of PC strand sales. Based on our examination of Mitsui's sales, we determined that Mitsui did not make a substantial portion of sales below acquisition costs during each POR. Because the portion of below-acquisition-cost sales during each POR was not substantial, and examination of whether prices were substantially below acquisition cost was unnecessary. See Remand Results 2 at 6.

We also determined that (1) reexamining our methodology for calculating "value" was unnecessary because we did not need to determine whether Mitsui's sales were substantially below acquisition cost, (2) Mitsui's acquisition costs should be calculated using currency conversions based on the exchange rate in effect on the date of shipment, (3) we did not require additional information from Mitsui's suppliers during the PORs, and (4) we included all actual expenses incurred and reported by Mitsui in comparing Mitsui's resale prices to its acquisition costs. See Remand Results 2 at 7. Finally, because we had determined that Mitsui did not engage in middleman dumping during the periods covered by the redetermination, we concluded that it was appropriate to instruct the U.S. Customs Service to liquidate Mitsui's entries according to the rates determined for reach of Mitsui's suppliers for the relevant periods. We noted that this was the methodology followed in the relevant administrative reviews of the antidumping finding on PC Strand from Japan for other exporters. See Steel Wire Strand for Prestressed Concrete from Japan; Final Results of Antidumping Duty Administrative Review, 48 FR 45586 (Oct. 6, 1983) (1978-1979; 1979-1980 POR); and Steel Wire Strand for Prestressed Concrete from Japan; Final Results of Antidumping Duty Administrative Review, 51 FR 30894 (Aug. 29, 1986) (1980-1981; 1981-1982 POR) Steel Wire Strand for Prestressed Concrete from Japan; Final Results of Antidumping Duty Administrative Review, 52 FR 4373 (Feb. 11, 1987) (1982-1983 POR).

On April 22, 1997, the Court upheld the Department's second redetermination on remand. *Mitsui & Co., Ltd. v. United States*, Slip Op. 97-49 (CIT April 22, 1997). The period to appeal has expired and no appeal was filed. Therefore, as there is now a final and conclusive court decision in this action, we are amending our final results of review.

Amended Final Results of Reviews

Pursuant to section 516A(e) of the Act, we are now amending the final results of the administrative reviews of the antidumping finding on PC strand from Japan with respect to exports by Mitsui and determine that the following margins exist:

¹ For the period December 1, 1983 through November 30, 1985, Mitsui had no shipments of merchandise subject to the order.

Manufacturer/exporter	Period	Margin (percent)
Shrinko Wire Company, Ltd./Mitsui & Co., Ltd	04/01/78-03/31/79	0
	04/01/79-11/30/80	0
	12/01/80-11/30/81	0
	12/01/81-11/30/82	0
	12/01/82-11/30/83	0
Sumitomo Electric Ind., Ltd./Mitsui & Co., Ltd	04/01/78-03/31/79	0
	04/01/79-11/30/80	0
	12/01/80-11/30/81	0
	12/01/81-11/30/82	0
	12/01/82-11/30/83	0
Suzuki Metal Ind. Co., Ltd./Mitsui & Co., Ltd	04/01/78-03/31/79	0
	04/01/79-11/30/80	0
	12/01/80-11/30/81	0
	12/01/81-11/30/82	0
	12/01/82-11/30/83	0
Teikoku Sangyo Co., Ltd./Mitsui & Co., Ltd	04/01/78-03/31/79	0
	04/01/79-11/30/80	0
	12/01/80-11/30/81	0
	12/01/81-11/30/82	0
	12/01/82-11/30/83	0
Tokyo Rope Mfg. Co. Ltd./Mitsui & Co., Ltd	04/01/78-03/31/79	0
	04/01/79-11/30/80	0
	12/01/80-11/30/81	4.5
	12/01/81-11/30/82	4.5
	12/01/82-11/30/83	14.5

¹ No shipments during the POR.

The Department will instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries. We will issue appraisal instructions directly to the U.S. Customs Service. Further, for any shipments from the remaining known manufacturers and/or exporters not covered by these reviews, the current cash deposit shall remain in effect until publication of the final results of the next administrative review.

This notice is published in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(8).

Dated: November 3, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97-29765 Filed 11-10-97; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of initiation of process to revoke Export Trade Certificate of Review No. 83-00034.

SUMMARY: The Secretary of Commerce issued an export trade certificate of review to Micro Products Company. Because this certificate holder has failed

to file an annual report as required by law, the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent Micro Products Company.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (15 U.S.C. 4011-21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325. Pursuant to this authority, a certificate of review was issued on April 13, 1984 to Micro Products Company.

A certificate holder is required by law (Section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (§ 325.14(a) and (b) of the Regulations). Failure to submit a complete annual report may be the basis for revocation. (§ 325.10(a) and 325.14(c) of the Regulations).

The Department of Commerce sent to Micro Products Company on April 3, 1997, a letter containing annual report questions with a reminder that its

annual report was due on May 28, 1997. Additional reminders were sent on August 7, 1997, and on September 12, 1997. The Department has received no written response to any of these letters.

On November 6, 1997, and in accordance with § 325.10 (c)(1) of the Regulations, a letter was sent by certified mail to notify Micro Products Company that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with § 325.10(c)(2) of the Regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the **Federal Register**. For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained

in the notification letter (§ 325.10(c)(2) of the Regulations).

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions (Section 325.10(c)(3) of the Regulations).

The Department shall publish a notice in the **Federal Register** of the revocation or modification or a decision not to revoke or modify (Section 325.10(c)(4) of the Regulations). If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** (§§ 325.10(c)(4) and 325.11 of the Regulations).

Dated: November 6, 1997.

Morton Schnabel,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 97-29751 Filed 11-10-97; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102997C]

Marine Mammals; Public Display Permit (PHF# 880-1426)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of withdrawal.

SUMMARY: Notice is hereby given that the Big Apple Circus, 35 West 35th Street, New York, NY 10001, has withdrawn its application to import Patagonian sea lions (*Otaria byronia*) for purposes of public display.

ADDRESSES: The documents related to this action are available for review upon written request or by appointment in the following offices:

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13822, Silver Spring, MD 20910 (301/713-2289); and

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (508/281-9250).

FOR FURTHER INFORMATION CONTACT: Ann Hochman, (301) 713-2289.

SUPPLEMENTARY INFORMATION: On Friday, August 29, 1997, notice was published in the **Federal Register** (62 FR 45796) that an application had been filed by the Big Apple Circus to import two Patagonian sea lions (*Otaria byronia*), from Lipperswil, Switzerland, where they are currently maintained by Conny-Land, for public display during the 1997-1998 exhibition season.

By facsimile letter of October 29, 1997, the Big Apple Circus withdrew its application from consideration.

Dated: November 5, 1997.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97-29656 Filed 11-10-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Associated Form, and OMB Number: Defense Outplacement Referral System (DORS) and Public Community Service (PACS) Programs; DD Forms 2580/2580C, 2581, and 2581-1; OMB Number 0704-0324.

Type of Request: Reinstatement.
Number of Respondents: 11,331.
Responses Per Respondent: 1.847.
Annual Responses: 20,931.
Average Burden Per Response: 12 minutes.

Annual Burden Hours: 4,136.

Needs and Uses: This information collection is used to enroll separating service members, their spouses, and DoD civilian personnel in the Defense Outplacement Referral System (DORS).

In accordance with 10 U.S.C. 1143 and 1144, the information is provided to private and public employers, including local, state, and Federal employment and outplacement agencies, as notice of available individuals with interest in potential employment. In accordance with U.S.C. 1143a(c), the Public and Community Service (PACS) Registry provides registered PACS organizations with information regarding the availability of individuals with interest in working in a PACS organization. The 800 phone resume request line

associated with this information collection as well as the DD Form 2580, "Operation Transition—Department of Defense Outplacement Referral System (DORS)/Public and Community Service (PACS) Individual Application," DD Form 2580C, "Operation Transition—Department of Defense Outplacement Referral System (DORS)/Public and Community Service (PACS) Individual Application (Cont.);" DD Form 2581, "Operation Transition Employer Registration;" and DD Form 2581-1, "Public and Community Service Organization Validation," are used in support of the Department of Defense programs for employment assistance.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; Federal Government; State, Local, or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: November 5, 1997.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-29657 Filed 11-10-97; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Associated Form, and OMB Number: Dependency Statements; DFAS-DE Form 1865, 1866 1867, and 1868; OMB Number 0730-[to be determined].

Type of Request: New Collection;
Number of Respondents: 4,200.
Responses Per Respondent: 1.
Annual Response: 4,200.
Average Burden Per Response: 2 hours.

Annual Burden Hours: 8,400.

Needs and Uses: The information collection is used to certify dependency or obtain information to determine entitlement to basic allowance for quarters (BAQ) with-dependent rate, travel allowances, or Uniformed Services Identification and Privilege Card. Information regarding a child born out-of-wedlock (DFAS-DE Form 1865), a full-time student 21-22 years of age (DFAS-DE Form 1867), a parent (DFAS-DE Form 1868), or incapacitated child over age 21 (DFAS-DE Form 1866), is provided by the military member or by another individual who may be a member of the public. DoDFMR 7000.14, Vol. 17A, defines dependency and directs that dependency be proven. Dependency claim examiners use the information from the forms to determine the degree of benefits. The requirement to provide the information decreases the possibility of monetary allowances being approved on behalf of ineligible dependents.

Affected Public: Individuals or households.

Frequency: On occasion; annually.

Respondents's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: November 5, 1997.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-29658 Filed 11-10-97; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

Department of the Army

Transition to the Defense Table of Official Distances (DTOD)

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice.

SUMMARY: The Military Traffic Management Command (MTMC), on behalf of the Department of Defense (DOD), intends to utilize a standard integrated mileage guide in DOD freight, household goods (HHG), travel, and finance programs. The DTOD will replace existing distance calculation products used within the DOD such as Rand McNally TDM Mileagemaker System, Household Goods Carriers' Mileage Guide, and the DOD Official Table of Distances and will become the DOD standard source for highway mileages. The DTOD will consist of a modified Commercial off the Shelf (COTS) product and full operating capability is projected for October 1998. Notice of the DTOD product specifications and transition plan for the freight and household goods program will be published for public comment at a later time.

DATES: Initial operating capability for the three target DOD programs is estimated to be: Travel—Jun 98; Household Goods—Jun 98; Freight—Aug 98.

ADDRESSES: Headquarters, Military Traffic Management Command, ATTN: MTIM-I, Room 332A, 5611 Columbia Pike, Falls Church, VA 22041-5050.

FOR FURTHER INFORMATION CONTACT: Ms. Ethel J. Anderson (703) 681-7793 or Ms. Amy R. Hopfe (703) 681-5702.

SUPPLEMENTARY INFORMATION: Currently, several sources for distance information are being used within DOD to support various functional areas, such as travel, travel entitlement reimbursement, freight, and personal property movements. Moreover, separate products are used to calculate overseas distances. The result is a variance in mileage computations produced by different products and a high cost of licensing and maintaining multiple mileage sources.

Until 1996, DOD was required by law to maintain an official mileage table, known as the Official Table of Distances, to use for payment of travel and transportation allowances. The FY96 Defense Authorization Act deleted this requirement, thus providing the opportunity to use a commercial mileage product to support travel mileage distance.

In October 1996, the DOD Comptroller tasked the U.S. Transportation Command (USTRANSCOM) to identify and implement a single source for distance information in support of travel, freight, and personal property movements for the Continental United States (CONUS) and Outside the

Continental United States (OCONUS). USTRANSCOM tasked the Military Traffic Management Command to lead the effort.

The DTOD integration contractor, Science Applications International Corporation (SAIC), is supporting the identification, modification, installation and testing of the Commercial off the Shelf (COTS) product. SAIC has selected ALK Associates, Inc., as the source of the distance calculation data and software for DTOD.

The transition to a single standard DTOD will require changes to existing MTMC rules publications and rate solicitations. Since this action is considered to be a significant procurement policy change under 41 U.S.C. 418b, another public notice will be published providing the public an opportunity to comment on the specific product, its capabilities, and DOD's plan to introduce the product to ongoing acquisition activities. Details relating to interface with industry providers and trade associations will be provided at that time. It is anticipated that transition to DTOD will have no significant impact on small businesses since those businesses currently use one or more distance calculation sources of a similar nature. Because specific policy and the related impact is yet to be fully developed, public comment on this notice is not being requested at this time. A 60-day public notice period will be provided for in forthcoming notices that describe implementation plans, requirements, and responsibilities.

Mary V. Yonts,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 97-29699 Filed 11-10-97; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before January 12, 1998.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should

be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Sherrill (202) 708-8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: November 5, 1997.

Gloria Parker,

Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Revision.

Title: Fiscal Operations Report & Application to Participate in Federal Perkins Loan, Federal Supplemental Educational Opportunity Grant, and Federal Work-Study Program.

Frequency: Annually.

Affected Public: Business or other for-profit; not-for-profit institutions; State, local or Tribal Government, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 4,800.

Burden Hours: 80,586.

Abstract: This application data will be used to compute the amount of funds needed by each institution during the 1999-2000 Award Year. The Fiscal Operations Report data will be used to assess program effectiveness, account for funds expended during the 1997-98 Award Year, and as part of the institutional funding process.

Office of Educational Research and Improvement

Type of Review: Revision.

Title: Application for Grants Under the Javits Gifted and Talented Students Education Program.

Frequency: Annually.

Affected Public: Businesses or other for-profits; not-for-profit institutions; State, local or Tribal Governments, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 300.

Burden Hours: 13,200.

Abstract: Program participants such as SEAs, LEAs, Institutions of Higher Education, and other public and private agencies and organizations including Indian tribes and organizations will apply for grants under the Javits Gifted and Talented Students Education Program. The Department will use the information to make grant awards.

[FR Doc. 97-29703 Filed 11-10-97; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Deputy Chief Information Officer, Office of the Chief Information

Officer, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before December 12, 1997.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Sherrill (202) 708-8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: November 5, 1997.

Gloria Parker,

Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of the Under Secretary

Type of Review: New.

Title: Observational Study of Even Start Family Literacy Projects.

Frequency: Annually.

Affected Public: Individuals or households; not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 15.

Burden Hours: 510.

Abstract: This study will include 15 in-depth case studies of local family literacy projects that have fully implemented the Even Start program model and that have produced at least two years of positive outcomes for participants. The case studies will focus on how and why these projects have been successful. The case studies will also examine how the projects adjust to changes in client needs, their strategies for integrating program services and activities, their use of evaluation results for improving the quality of services, and their strategies for building a solid base of support to sustain the activities and services after federal funding ends. Data collection will include interviews with project staff, their partners, and project participants. Data collection will also include observation of activities and services and review of project documents.

[FR Doc. 97-29704 Filed 11-10-97; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Department of Energy (DOE) Notification of a 45-Day Extension in Providing the Defense Nuclear Facilities Safety Board (DNFSB) an Implementation Plan for Recommendation 97-2

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Defense Nuclear Facilities Safety Board published Recommendation 97-2, concerning Criticality Safety at Defense Nuclear Facilities in the DOE Complex, on May 29, 1997 (62 FR 2918). Section 315(e) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286d(e), requires the Department of Energy to transmit an implementation plan to the Defense Nuclear Facilities Safety Board by October 28, 1997, or submit a

notification of extension for an additional 45 days. The Secretary's notification of extension for an additional 45 days follows.

DATES: Comments, data, views, or arguments concerning the Secretary's response are due on or before December 12, 1997.

ADDRESSES: Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Dr. Robin Staffin, Deputy Assistant Secretary for Research and Development, Office of Defense Programs, Department of Energy, 1000 Independence Avenue, SW, Washington DC 20585

Issued in Washington, DC, on November 5, 1997.

Mark B. Whitaker, Jr.,

Departmental Representative to the Defense Nuclear Facilities Safety Board.

The Secretary of Energy
Washington, DC 20585
October 28, 1997.

The Honorable John T. Conway,
Chairman, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004

Dear Mr. Chairman: This is to notify you, pursuant to 42 U.S.C. 2286d(e), that the Department of Energy requires an additional 45 days to transmit the Implementation Plan for addressing the issues described in the Defense Nuclear Facilities Safety Board's Recommendation 97-2 concerning criticality safety. A Department response team developed a draft Implementation Plan which outlines specific actions to improve the effectiveness of criticality safety practices and programs. Technical issues raised by your staff concerning the draft Implementation Plan have been resolved. However, the Department requires more time to develop an equitable, lasting funding arrangement that takes into account the crosscutting nature of the criticality safety program.

We will continue to work closely with your staff to develop a fully funded, mutually acceptable Implementation Plan. The Department will make every effort to provide the Implementation Plan to the Board within the next two weeks, but no later than December 12, 1997.

Sincerely,

Federico Peña

[FR Doc. 97-29740 Filed 11-10-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho National Engineering and Environmental Laboratory

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho National Engineering and Environmental Laboratory (INEEL).

DATES: Tuesday, November 18, 1997 from 8:00 a.m. to 6:00 p.m. Mountain Standard Time (MST); Wednesday, November 19, 1997 from 7:30 a.m. to 5:00 p.m. MST. There will be public comment sessions on Tuesday, November 18, 1997 from 5:00 p.m. to 6:00 p.m. MST and Wednesday, November 19, 1997 from 1:00 p.m. to 1:30 p.m. MST.

ADDRESSES: Holiday Inn Westbank, 475 River Parkway, Idaho Falls, Idaho 83402.

FOR FURTHER INFORMATION CONTACT: INEEL Information (1-800-708-2680) or Wendy Green Lowe, Jason Associates Corp. (208-522-1662).

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: The EM SSAB, INEEL will finalize recommendations on Siting the pits-to-powder and mixed oxide fuel fabrication mission at INEEL, the High Level Waste Environmental Impact Statement, continuing education opportunities for K-12 teachers in Idaho, and public use of INEEL Technical Library. The board will also learn about the proposed plan for the soil repository at Waste Area Group 3 and receive presentations on plutonium contamination at INEEL and the results from Pit 9 and Subsurface Disposal Area studies, and what these studies imply for cleanup of the pits and trenches. For a most current copy of the agenda, contact Woody Russell, DOE-Idaho, (208) 526-0561, or Wendy Green Lowe, Jason Associates Corp., (208) 522-1662. The final agenda will be available at the meeting.

Public Comment Availability: The two-day meeting is open to the public, with public comment sessions scheduled for Tuesday, November 18,

1997 from 5:00 p.m. to 6:00 p.m. MST and Wednesday, November 19, 1997 from 1:00 p.m. to 1:30 p.m. MST. The Board will be available during this time period to hear verbal public comments or to review any written public comments. If there are no members of the public wishing to comment or no written comments to review, the board will continue with its current discussion. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the INEEL Information line or Wendy Green Lowe, Jason Associates Corp., at the addresses or telephone numbers listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved prior to publication.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays.

Issued at Washington, DC on November 4, 1997.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 97-29742 Filed 11-10-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Monticello Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Board Committee Meeting: Environmental Management Site-Specific Advisory Board, Monticello Site.

DATES AND TIMES: Wednesday, December 10, 1997, 6:00 p.m.-8:00 p.m.

ADDRESSES: San Juan County Courthouse, 2nd Floor Conference Room, 117 South Main, Monticello, Utah 84535.

FOR FURTHER INFORMATION CONTACT:

Audrey Berry, Public Affairs Specialist, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO, 81502 (970) 248-7727.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to advise DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: Update on project status, and reports from subcommittees on local training and hiring, health and safety, and future land use.

Public Participation: The meeting is open to the public. Written statements may be filed with the committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Audrey Berry's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at the end of the meeting.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Audrey Berry, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO 81502, or by calling her at (303) 248-7727.

Issued at Washington, DC on November 4, 1997.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 97-29743 Filed 11-10-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Advisory Committee on Appliance Energy Efficiency Standards

AGENCY: Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of a meeting of the Advisory Committee on Appliance Energy Efficiency Standards. The Department will consider the information and comments received at this meeting in the conduct of its appliance standards program.

DATES: December 12, 1997, 9:00 a.m.-3:30 p.m.

ADDRESSES: Embassy Row Hilton, 2015 Massachusetts Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Sandy Beall, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-43, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-7574, or Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-43, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-2945.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Advisory Committee on Appliance Energy Efficiency Standards was established to provide input on the appliance standards rulemaking process. The Committee serves as the focal point for discussion on the implementation of the procedures, interpretations, and policies set forth in the rule on Procedures for Consideration of New or Revised Energy Conservation Standards for Consumer Products (61 FR 36973 (July 15, 1996)) and on cross-cutting analytical issues affecting all product standard rulemakings.

Tentative Agenda

9:00 am Opening Remarks,
Introductions, and Agenda Review
9:30 am Public Comments on Agenda
9:35 am Recent Successes (Standards
Issued, Test Procedures Issued,
Workshops)
10:00 am Break
10:15 am Priority Setting Process
10:30 am Begin Subcommittee Reports
to the Committee

11:45 am Public Comments on Morning Session
 12:00 n Lunch (on your own)
 1:00 pm Continue Subcommittee Reports and Discussion
 2:00 pm Break
 2:15 pm Public Comments
 2:30 pm New Business
 3:00 pm Action Items and Deliverables for Next Meeting
 3:15 pm Chairman's Closing Remarks
 3:30 pm Adjourn

Please note that this draft agenda is preliminary. The times and agenda items listed are guidelines and are subject to change. A final agenda will be available at the meeting on Friday, December 12, 1997.

Public Participation: The meeting is open to the public. Please notify either Brenda Edwards-Jones, (202) 586-2945, or Sandy Beall, (202) 586-7574, if you plan to attend the Advisory Committee meeting. Written statements may be filed either before or after the meeting. In order to have your written comments distributed at the Advisory Committee meeting, please provide 10 copies to the contacts listed in the **FOR FURTHER INFORMATION CONTACT** section at least 7 days prior to the meeting. Members of the public who wish to make oral statements should contact the Office of Codes and Standards at the address or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section. Requests must be received 7 days prior to the meeting, and a reasonable provision will be made to include the presentation in the agenda. Such presentations may be limited to five minutes. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: Copies of the Committee's charter, minutes of the Committee meetings held on January 8, 1997, and June 23, 1997, this notice, and other correspondence regarding the Committee may be viewed at the U.S. Department of Energy, Freedom of Information Public Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586-6020, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. A copy of the Committee's meeting transcript will be available in the DOE public reading room approximately 10 days after the meeting. Minutes will also be available 60 days after the meeting by writing to Brenda Edwards-Jones or Sandy Beall at the address listed in the **FOR FURTHER INFORMATION CONTACT** section.

Issued in Washington, DC, on November 5, 1997.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 97-29744 Filed 11-10-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-53-000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization

November 5, 1997.

Take notice that on October 29, 1997, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP98-53-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate an interconnection between ANR and Louisiana Intrastate Gas Company L.L.C. (LIG) for delivery of natural gas to LIG in St. Mary Parish, Louisiana, under ANR's blanket certificate issued in Docket No. CP88-532 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

ANR proposes to install on its above grade facilities a 16-inch tee, a 16-inch valve, an electronic measurement system, and approximately fifteen (15) feet of tie-in piping. The total cost of the facilities will be approximately \$168,000 which will be fully reimbursed by LIG. The maximum capacity of the proposed interconnection will be 300 Mmcfd.

ANR states that the construction of the proposed interconnection will have no effect on its peak day and annual deliveries, that its existing tariff does not prohibit additional interconnections, that deliveries will be accomplished without detriment or disadvantage to its other customers and that the total volumes delivered will not exceed total volumes authorized prior to this request.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If not protest is

filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29679 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-57-000]

ANR Pipeline Company; Notice of Application

November 5, 1997.

Take notice that on October 31, 1997, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP98-57-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a natural gas transportation service for Indiana Glass Company (IGC), all as more fully set forth in the application on file with the Commission and open to public inspection.

ANR states that by mutual agreement ANR and IGC have agreed to abandon Rate Schedule X-143 under which ANR transports up to 4,500 dekatherms of natural gas per day on a best efforts basis for IGC from various wells in Texas, Oklahoma and Kansas to an interconnection with Indiana Gas Company, Inc. in Delaware County, Indiana.

ANR further states that no facilities are proposed to be abandoned and that the proposal will have no impact on the environment.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1997, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing

to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for ANR to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29681 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98-370-000]

Cinergy Services, Inc., Notice of Filing

November 5, 1997.

Take notice that Cinergy Services, Inc., on behalf of PSI Energy, Inc. (PSI), on October 29, 1997, tendered for filing the Transmission and Local Facilities (T&LF) Agreement Calendar Year 1996, Reconciliation between PSI and Wabash Valley Power Association, Inc. (WVPA), and between PSI and Indiana Municipal Power Agency (IMPA). The T&LF Agreement has been designated as PSI's Rate Schedule FERC No. 253.

Copies of the filing were served on Wabash Valley Power Association, Inc., the Indiana Municipal Power Agency and the Indiana Utility Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211

and 18 CFR 385.214). All such motions or protests should be filed on or before November 17, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29677 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-181-006]

CNG Transmission Corporation; Notice of Compliance Tariff Filing

November 5, 1997.

Take notice that on October 29, 1997, CNG Transmission Corporation (CNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Third Substitute Original Sheet No. 386A. CNG requests an effective date of June 1, 1997, for its proposed tariff sheet.

CNG states that the purpose of its filing is two fold: To revise CNG's FERC Gas Tariff in compliance with the September 15, 1997 Letter Order, regarding Standard 5.3.5 of the Gas Industry Standards Board (GISB); and to request Commission approval of a further brief deferral of CNG's implementation of certain system-based and EDM-related GISB standards. CNG will separately submit a status report to the Commission regarding its implementation of certain additional Version 1.1 GISB business practice standards, as required by the Letter Order.

CNG states that copies of its filing have been mailed to all parties to the captioned proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are

on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29690 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-54-000]

Conoco, Inc. v. Williams Natural Gas Company; Notice of Complaint

November 5, 1997.

Take notice that on October 29, 1997, Conoco, Inc. (Conoco), 600 N. Dairy Ashford, ML-1034, Houston, Texas 77079, filed a complaint against Williams Natural Gas Company (WNG), pursuant to Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206), alleging violations by WNG of Section 7 of the Natural Gas Act, all as more fully set forth in the complaint on file with the Commission and open to public inspection.

Conoco states its belief that WNG has constructed and is about to begin operating an expansion of its pipeline facilities in Hemphill County, Texas, consisting of 13.5 miles of pipeline extending from the Williams Field Service Hobart Ranch plant to WNG's 26-inch Canadian-Blackwell mainline. Conoco also states its belief that WNG will abandon its Pampa outlet line, which also runs from the WFS Hobart Ranch plant to WNG's Canadian-Blackwell line, as well as the Higgins compression facility, a 1,200 horsepower compressor located at the intersection of the Pampa and Canadian-Blackwell lines. Conoco requests that the Commission issue a cease and desist order to stop WNG from operating the facilities installed, to stop WNG from constructing additional facilities and from abandoning existing facilities. Conoco further requests that WNG be compelled to file applications for the certificate and abandonment authorizations for its activities.

Any person desiring to be heard or to make any protest with reference to said complaint should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All such

motions, together with the answer of Respondent to the complaint and motions filed with the Commission should be filed on or before November 26, 1997. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Secretary.

[FR Doc. 97-29680 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER95-760-004]

Duke Energy Corporation; Notice of Filing

November 5, 1997.

Take notice that Duke Energy Corporation tendered for filing its refund report in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 17, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 97-29675 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-346-009]

Equitrans, L.P.; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1997.

Take notice that on October 31, 1997, Equitrans, L.P. (Equitrans) tendered for filing as part of its FERC Gas Tariff revised tariff sheets in compliance with

the Commission's "Order on Rehearing" dated October 16, 1997 (the "October 16 Order"). Equitrans proposes separate rate sheets to be effective September 1, 1997 and October 1, 1997.

Equitrans states that the rate sheets establish rates for all services which reflect a return on equity level of 13 percent which was the level which Equitrans originally proposed in this proceeding. Equitrans states that the Commission permitted to place its originally filed return on equity level into effect, effective September 1, 1997, subject to refund, pending the outcome of a hearing.

Equitrans states that the rates proposed for October 1, 1997 effectiveness are the same base rates for all services as those proposed for September 1, 1997 effectiveness with the exception of an increase in the ACA charge to \$0.0022/Dth which has been approved by the Commission for October 1, 1997 effectiveness.

Equitrans states that copies of this rate filing were served on Equitrans' jurisdictional customers and interested state commissions.

Any person desiring to protest the filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20046, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests should be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining appropriate action, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 97-29692 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-8-007]

Granite State Gas Transmission, Inc.; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1997.

Take notice that on October 31, 1997, Granite State Gas Transmission, Inc. (Granite State) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, First Revised Sheet No. 136, to become effective November 1, 1997.

According to Granite State, First Revised Sheet No. 136 removes from its tariff a provision that required Granite State to credit 90% of revenues for interruptible transportation services, less variable costs and surcharges, to its firm transportation customers. Granite State further states that the elimination of the crediting provision was agreed to in an uncontested settlement in Docket No. RP97-8-000 approved by the Commission on October 20, 1997.

Granite State further states that copies of its filing have been served on its firm and interruptible customers, on the regulatory agencies of the states of Maine, Massachusetts and New Hampshire and the intervenors in the proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests should be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 97-29687 Filed 11-10-97; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-33-000]

Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1997.

Take notice that on October 31, 1997, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, tariff sheets listed below to be effective November 30, 1997.

Third Revised Sheet No. 2
Second Revised Sheet No. 252
First Revised Sheet No. 320
First Revised Sheet No. 321
Third Revised Sheet No. 322
Second Revised Sheet No. 323
First Revised Sheet No. 325

MRT states that this filing is being made to make minor housekeeping

changes including removing the Index of Firm Transportation, Storage and Sales Customers from the Tariff.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29694 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-331-008]

National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1997.

Take notice that on October 31, 1997, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Sub. Original Sheet No. 12, to be effective November 1, 1997.

National Fuel states that the instant filing is made to amend its firm storage service agreement filed in Docket No. RP96-331-007, between National Fuel and Engage Energy U.S., L.P. (Engage). National Fuel states that its amended service agreement with Engage provides a stated charge based on a locked-in price spread for Engage's FSS storage service.

National Fuel states that it is serving copies of this filing with its firm customers, interested state commissions and each party designated on the official service list compiled by the Secretary.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules of

Practice and Procedure. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29686 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-200-026]

NorAm Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1997.

Take notice that on October 31, 1997, NorAm Gas Transmission Company (NGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets to be effective November 1, 1997:

Seventh Revised Sheet No. 7A
Sixth Revised Sheet No. 7B
Sixth Revised Sheet No. 7E
Third Revised Sheet No. 7E.02
Second Revised Sheet No. 7F
Third Revised Sheet No. 7G
Third Revised Sheet No. 7G.01
Third Revised Sheet No. 7H
First Revised Sheet No. 7I
First Revised Sheet No. 7J
First Revised Sheet No. 7M
Original Sheet No. 7N

NGT states that these tariff sheets, to be effective November 1, 1997, reflect either contract expirations or elimination of formula-based negotiated rates that are no longer applicable as the underlying rate agreements now reflect terms which do not qualify as negotiated rates. Furthermore, certain of these tariff sheets reflect modifications to existing negotiated rates terms as well as the addition of a new negotiated rate contract.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests must be filed as provided in Section 154.210 of the Commission's regulations. Protests will be considered

by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29684 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-52-000]

Northwest Pipeline Corporation; Notice of Request Under Blanket Authorization

November 5, 1997.

Take notice that on October 28, 1997, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed a request with the Commission in Docket No. CP98-052-000, pursuant to Sections 157.205, and 157.211 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to modify existing facilities at its Walker Hollow Meter Station in Uintah County, Utah to more efficiently accommodate existing deliveries of natural gas to Citation Oil & Gas Corp. At the Walker Hollow Delivery point, authorized in blanket certificate issued in Docket No. CP82-433-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to modify the Walker Hollow Meter Station by installing 50 percent restricted trip plates in the two existing 1-inch regulators and by installing a new 2-inch regulator with 1/4-inch trip plate upstream of the two existing regulators to more accurately measure the low peak hourly flow rate of natural gas through the meter station. Northwest states that as a result of these modifications the maximum design capacity of the meter station will decrease from 4,128 Dth per day (at 65 psig) to approximately 408 Dth per day at a constant delivery pressure of 100 psig.

Northwest further states that the cost of the proposed facility modification at the Walker Hollow Meter Station is estimated to be approximately \$1,500.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice

of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If not protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29678 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97-4683-000]

Ohio Edison Company; Pennsylvania Power Company; Notice of Filing

November 5, 1997.

Take notice that on October 10, 1997, Ohio Edison Company tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 14, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29676 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-109-009]

Sabine Pipe Line Company; Notice of Compliance Filing

November 5, 1997.

Take notice that on October 31, 1997, Sabine Pipe Line Company (Sabine) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets proposed to be effective November 1, 1997:

2nd Sub Third Revised Sheet No. 297
Substitute First Revised Sheet No. 228

Sabine states that the tariff sheet revisions are in compliance with the Commission's order issued October 23, 1997 in Docket Nos. RP97-109-007 and RP97-109-008. Sabine states that the tariff sheets listed above have been revised to reflect incorporation by reference of version 1.1 of the GISB Nominations Related Standards, Flowing Gas Related Standards, Invoicing Related Standards, and Capacity Release Standards.

Sabine states that copies of this filing are being mailed to its customers, state commissions and other interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29689 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-34-000]

Southern Natural Gas Company; Notice of GSR Revised Tariff Sheets

November 5, 1997.

Take notice that on October 31, 1997, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets with the proposed effective date of November 1, 1997:

Tariff Sheets Applicable to Contesting Parties

Thirty Fourth Revised Sheet No. 14
Fifty Fifth Revised Sheet No. 15
Thirty Fourth Revised Sheet No. 16
Fifth Fifth Revised Sheet No. 17
Thirty Seventh Revised Sheet No. 29

Southern submits the revised tariff sheets to its FERC Gas Tariff, Seventh Revised Volume No. 1, to reflect a change in its FT/FT-NN GSR Surcharge, due to a decrease in GSR billing units effective November 1, 1997.

Southern states that copies of the filing were served upon all parties listed on the official service list compiled by the Secretary in these proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All Such motions or protests should be filed in accordance with Section 154.210 of the Commission's Regulations. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Southern's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29695 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP96-312-007]

**Tennessee Gas Pipeline Company;
Notice of Proposed Changes in FERC
Gas Tariff and of Compliance Filing**

November 5, 1997.

Take notice that on October 31, 1997, Tennessee Gas Pipeline Company (Tennessee) tendered for filing to its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheet to become effective on November 1, 1997:

Nineteenth Revised Sheet No. 30

Tennessee states that the above tariff sheet is being filed for the dual-purpose of (1) implementing negotiated rate contracts pursuant to the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines and Regulation of Negotiated Transportation Services of Natural Gas Pipelines issued January 31, 1996, at Docket Nos. RM95-6-000 and RM96-7-000 and (2) complying with the Commission's October 29, 1997 letter Order issued in the above-referenced docket. Tennessee Gas Pipeline Company, 81 FERC ¶ 61,114 (1997).

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,*Secretary.*

[FR Doc. 97-29685 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP97-344-002]

**Texas Gas Transmission Corporation;
Notice of Proposed Changes in FERC
Gas Tariff**

November 5, 1997.

Take notice that on October 31, 1997, Texas Gas Transmission Corporation (Texas Gas) tendered for filing changes to its FERC Gas Tariff, First Revised Volume No. 1, and Original Volume No. 2.

Texas Gas states that this motion rate/compliance filing is being made to place certain tariff sheets to be effective on November 1, 1997, in compliance with the Commission's Order issued May 29, 1997, in Docket No. RP97-344 at 79 FERC § 61,257 (1997).

Texas Gas requests an effective date of November 1, 1997, for the proposed tariff sheets.

Texas Gas further states that it has served copies of this filing upon the company's jurisdictional customers, interested state commissions, and all parties appearing on the official restricted service list in Docket No. RP97-344.

Any person desiring to protest said filing should file a Protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests should be filed in accordance with Section 154.210 of the Commission's Regulations. Protests may be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,*Secretary.*

[FR Doc. 97-29691 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP98-35-000]

**Transcontinental Gas Pipe Line
Corporation; Notice of Proposed
Changes in FERC Gas Tariff**

November 5, 1997.

Take notice that on October 31, 1997, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1, which tariff sheets are enumerated in Appendix A attached to the filing.

Transco is proposing herein to implement a new flexible firm transportation service under Rate Schedule FT-2 as an alternative to Rate Schedule FT service. FT-2 Service will be applicable only to capacity created by incrementally priced expansion facilities that are attached to Transco's supply laterals upstream of Stations 30, 45, 50, 62, or to the mainline system upstream of Station 85 for Buyers willing to make a life of reserves commitment for production from specified leases. Rate Schedule FT-2 is structured so that a Buyer of this service may establish Transportation Contract Quantity (TCQ) entitlements that change over time based on the production profile of the committed reserves.

Transco states that it is serving copies of the instant filing to customers, State Commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,*Secretary.*

[FR Doc. 97-29696 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. TM98-3-29-000]

**Transcontinental Gas Pipe Line
Corporation; Notice of Proposed
Changes in FERC Gas Tariff**

November 5, 1997.

Take notice that on October 31, 1997, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, Ninth Revised Sheet No. 50 to be effective November 1, 1997.

Transco states that the purpose of the instant filing is to track fuel changes attributable to transportation service purchased from Texas Gas Transmission Corporation (Texas Gas) under its Rate Schedule FT the costs of which are included in the rates and charges payable under Transco's Rate Schedule FT-NT. Transco states that the filing is being made pursuant to tracking provisions under Section 4 of Transco's Rate Schedule FT-NT.

Transco states that included in Appendix B attached to the filing is the explanation of the fuel changes and details regarding the computation of the revised Rate Schedule FT-NT fuel percentages.

Transco states that copies of the filing are being mailed to each of its FT-NT customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 97-29698 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP97-484-001]

**Williams Natural Gas Company; Notice
of Proposed Changes in FERC Gas
Tariff**

November 5, 1997.

Take notice that on October 3, 1997, Williams Natural Gas Company (WNG) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, Substitute Fourth Revised Sheet No. 254, with a proposed effective date of September 25, 1997.

WNG states that on August 27, 1997, it filed in Docket No. RP97-484-000, tariff sheets to comply with Order No. 636-C. WNG states that Sheet No. 254 filed in this docket did not include the one-year extension for recovery of GSR costs approved by the Commission by order issued July 21, 1997 in Docket No. RP97-317-001. WNG states that the instant filing is being made to reflect the one-year extension filed July 23, 1997 in Docket No. RP97-317-001, in Docket No. RP97-484.

WNG states that a copy of its filing was served on all participants listed on the service listed maintained by the Commission in the dockets referenced above and on all WNG's jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests must be filed on or before November 12, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Copies of this filing are on file with the Commission and available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 97-29693 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP97-62-008]

**Wyoming Interstate Company; Notice
of Tariff Compliance Filing**

November 5, 1997.

Take notice that on November 3, 1997, Wyoming Interstate Company (WIC), tendered for filing to become part of its FERC gas Tariff, Second Revised Volume No. 2 tariff, Substitute First Revised Sheet No. 52C, Substitute First Revised Sheet No. 64C, Substitute First Revised Sheet No. 64D Substitute Original Sheet No. 64E, Substitute Original Sheet No. 64F, Substitute Original Sheet No. 64G and Substitute Original Sheet No. 64H to be effective November 1, 1997.

WIC states the tariff sheets are filed in compliance with the order issued October 29, 1997 in Docket No. RP97-62-007, as well as Section 154.203 of the Commission's regulations. As required WIC is reinstating language in Article 7.1(d)(iv) on Sheet No. 64C and has revised the reference to standard No. 2.3.31 (Version 1.1) on Sheet No. 52C.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 97-29688 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. TM98-2-76-000]

**Wyoming Interstate Company, Ltd.;
Notice of Tariff Filing**

November 5, 1997.

Take notice that on October 31, 1997, Wyoming Interstate Company (WIC) tendered for filing as part of its FERC

Gas Tariff, First Revised Volume No. 1, First Revised Sheet No. 5.2 and Second Revised Volume No. 2, Sixth Revised Sheet No. 4A reflecting an increase in the percentage for Fuel, Lost and Unaccounted-for Gas (FL&U Percentage) from 0.31% to 0.49% effective December 1, 1997.

WIC states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions, and are otherwise available for public inspection at WIC's offices in Colorado Springs, Colorado.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29697 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98-171-000, et al.]

Energy 2000, Incorporated, et al.; Electric Rate and Corporate Regulation Filings

November 3, 1997.

Take notice that the following filings have been made with the Commission:

1. Energy 2000, Incorporated

[Docket No. ER98-171-000]

Take notice that on October 15, 1997, Energy 2000, Incorporated (Energy 2000) petitioned the Commission for acceptance of Energy 2000 Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based prices; and the waiver of certain Commission Regulations.

Energy 2000 intends to engage in wholesale electric power and energy

purchases and sales as a marketer. Energy 2000 is not in the business of generating or transmitting electric power. Energy 2000 is an independent corporation which is not a subsidiary or affiliate of any other entity nor does it have affiliates of its own.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. The Washington Water Power Company

[Docket No. ER98-172-000]

Take notice that on October 15, 1997, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission executed Service Agreements for Non-Firm Point-To-Point Transmission Service under WWP's Open Access Transmission Tariff—FERC Electric Tariff, Volume No. 8, with Cook Inlet Energy Supply, LP and NP Energy, Inc. WWP requests the Service Agreements be given effective dates of October 1, 1997.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. PP&L, Inc.

[Docket No. ER98-173-000]

Take notice that on October 15, 1997, PP&L, Inc., (Formerly known as Pennsylvania Power & Light Company) (PP&L), tendered for filing a Transformer Disconnection Agreement between PP&L and Metropolitan Edison Company, d/b/a GPU Energy (GPU), pursuant to which PP&L has agreed to permanently disconnect a 500/230 kV transformer located at PP&L's Hosensack substation. GPU has agreed to pay a contribution-aid-of-construction (CIAC) in return for PP&L disconnecting this transformer. PP&L has not yet collected any monies owed it for disconnecting the transformer.

PP&L states that copies of this filing have been served on GPU and on the Pennsylvania Public Utility Commission.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Millennium Energy Corporation

[Docket No. ER98-174-000]

Take notice that on October 15, 1997, Millennium Energy Corporation (Millennium Energy), tendered for filing an application for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1, to be effective on the date of the Commission's order accepting the Rate Schedule for filing.

Millennium Energy intends to engage in electric power and energy transactions as a marketer. In these transactions, Millennium Energy proposes to charge market-determined rates, mutually agreed upon by the parties. All sales and purchases will be arms-length transactions.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Allegheny Power Service, Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER98-175-000]

Take notice that on October 16, 1997, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Supplement No. 33, to add four (4) new Customers to the Standard Generation Service Rate Schedule under which Allegheny Power offers standard generation and emergency service on an hourly, daily, weekly, monthly or yearly basis. Allegheny Power requests a waiver of notice requirements to make service available as of October 15, 1997, to CNG Retail Services Corporation, New Energy Ventures, L.L.C., QST Energy Trading Inc., and Williams Energy Services Company.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. PP&L, Inc.

[Docket No. ER98-176-000]

Take Notice that on October 16, 1997, PP&L, Inc., (formerly known as Pennsylvania Power & Light Company) (PP&L), filed a Service Agreement dated October 7, 1997, with Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company, each trading and doing business as GPU Energy (GPU) under PP&L's FERC Electric Tariff, Original Volume No. 5. The Service Agreement adds GPU as an eligible customer under the Tariff.

PP&L requests an effective date of October 16, 1997, for the Service Agreement.

PP&L states that copies of this filing have been supplied to GPU and to the Pennsylvania Public Utility Commission.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. PP&L, Inc.

[Docket No. ER98-177-000]

Take Notice that on October 16, 1997, PP&L, Inc., (formally known as Pennsylvania Power & Light Company) (PP&L), filed a Service Agreement dated October 2, 1997, with Amoco Energy Trading Corporation (Amoco) under PP&L's FERC Electric Tariff, Original Volume No. 1. The Service Agreement adds Amoco as an eligible customer under the Tariff.

PP&L requests an effective date of October 16, 1997, for the Service Agreement.

PP&L states that copies of this filing have been supplied to Amoco and to the Pennsylvania Public Utility Commission.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Central Illinois Light Company

[Docket No. ER98-178-000]

Take notice that on October 16, 1997, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61202, tendered for filing with the Commission a substitute Index of Customers under its Coordination Sales Tariff and two service agreements for two new customers, ProLiance Energy LLC and Virginia Electric and Power Company.

CILCO requested an effective date of October 10, 1997.

Copies of the filing were served on the affected customers and the Illinois Commerce Commission.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Wisconsin Power and Light Company

[Docket No. ER98-179-000]

Take notice that on October 16, 1997, Wisconsin Power and Light Company (WP&L), tendered for filing Form Of Service Agreement for Non-Firm Point-to-Point Transmission Service establishing Kansas City Power & Light Company as a point-to-point transmission customer under the terms of WP&L's transmission tariff.

WP&L requests an effective date of September 16, 1997, and; accordingly, seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Southern Company Services, Inc.

[Docket No. ER98-180-000]

Take notice that on October 16, 1997, Southern Company Services, Inc. (SCSI), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (collectively referred to as Southern Companies) filed a service agreement under Southern Companies' Market-Based Rate Power Sales Tariff (FERC Electric Tariff, Original Volume No. 4) with the following entity: Northern Indiana Public Service Company. SCSI states that the service agreements will enable Southern Companies to engage in short-term market-based rate sales to this customer.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Florida Power Corporation

[Docket No. ER98-182-000]

Take notice that on October 16, 1997, Florida Power Corporation (FPC), tendered for filing a service agreement between South Carolina Electric and Gas and FPC for service under FPC's Market-Based Wholesale Power Sales Tariff (MR-1), FERC Electric Tariff, Original Volume Number 8. This Tariff was accepted for filing by the Commission on June 26, 1997, in Docket No. ER97-2846-000. The service agreement is proposed to be effective October 14, 1997.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Pennsylvania Power & Light Company

[Docket No. ER98-183-000]

Take notice that on October 15, 1997, Pennsylvania Power & Light Company (PP&L), tendered for filing an Interconnection between PP&L and Williams Generation Company—Hazelton.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Rochester Gas and Electric Corporation

[Docket No. ER98-184-000]

Take notice that on October 14, 1997, Rochester Gas and Electric Corporation (RG&E) filed a Service Agreement between RG&E and the New Energy Ventures, L.L.C. (Customer). This

Service Agreement specifies that the Customer has agreed to the rates, term and conditions of RG&E's FERC Electric Tariff, Original Volume No. 3 (Market-Based Rate Tariff) accepted by the Commission in Docket No. ER97-3553-000.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of October 8, 1997, for the New Energy Ventures, L.L.C. Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Additional Signatories to PJM Interconnection, L.L.C. Operating Agreement

[Docket No. ER98-185-000]

Take notice that on October 14, 1997, the PJM Inter-connection, L.L.C. (PJM) filed, on behalf of the Members of the LLC, membership applications of Allegheny Electric Cooperative, Inc., MidCon Power Services Corp., Commonwealth Edison Company and Edison Source. PJM requests an effective date of October 16, 1997.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Orange and Rockland Utilities, Inc.

[Docket No. ER98-186-000]

Take notice that on October 15, 1997, Orange and Rockland Utilities, Inc. (O&R), tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR Part 35, a service agreement under which O&R will provide capacity and/or energy to New Energy Ventures, L.L.C. (New Energy).

O&R requests waiver of the notice requirement so that the service agreement with New Energy becomes effective as of October 10, 1997.

O&R has served copies of the filing on The New York State Public Service Commission and New Energy.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. New England Power Pool

[Docket No. ER98-187-000]

Take notice that on October 15, 1997, the New England Power Pool (NEPOOL or Pool) Executive Committee filed a request for termination of membership in NEPOOL, with a retroactive date of October 1, 1997, of Oceanside Energy, Inc., and Louis Dreyfus Electric Power, Inc., (collectively, the Terminating

Participants). Such termination is pursuant to the terms of the NEPOOL Agreement dated September 1, 1971, as amended, and previously signed by each of the Terminating Participants. The New England Power Pool Agreement, as amended (the NEPOOL Agreement), has been designated NEPOOL FPC No. 2.

The Executive Committee states that termination of the Terminating Participants with a retroactive date of October 1, 1997, would relieve those entities, at their individual requests, of the obligations and responsibilities of Pool membership and would not change the NEPOOL Agreement in any manner, other than to remove the Terminating Participants from membership in the Pool. Neither of the Terminating Participants has received any energy related services (such as scheduling, transmission, capacity or energy services) under the NEPOOL Agreement.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Allegheny Power Service Corporation, on behalf of Monongahela Power Company The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER98-188-000]

Take notice that on October 16, 1997, Allegheny Power Service Corporation on behalf of Monongahela Power Company, the Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 25 to add Avista Energy, CNG Retail Services Corporation, Entergy Power Marketing Corporation, New Energy Ventures, L.L.C., QST Energy Trading Inc., and Williams Energy Services Company to Allegheny Power Open Access transmission Service Tariff which has been submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96-18-000. The proposed effective date under the Service Agreements is October 15, 1997.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Northern States Power Company (Wisconsin Company)

[Docket No. ER98-189-000]

Take notice that on October 16, 1997, Northern States Power Company-Wisconsin (NSP), tendered the Second Amendment to the Power and Energy Supply Agreement between NSP and the City of Spooner. NSP requests an effective date of October 25, 1997.

A copy of the filing was served upon each of the parties named in the Service List.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Texas Utilities Electric Company

[Docket No. ER98-190-000]

Take notice that on October 16, 1997, Texas Utilities Electric Company (TU Electric), tendered for filing an executed transmission service agreement (TSA) with Avista Energy, Inc., for certain Economy Energy Transmission Service transactions under TU Electric's Tariff for Transmission Service To, From and Over Certain HVDC Interconnections.

TU Electric requests an effective date for the TSA that will permit it to become effective on or before the service commencement date under the TSA. Accordingly, TU Electric seeks waiver of the Commission's notice requirements. Copies of the filing were served on Avista Energy, Inc., as well as the Public Utility Commission of Texas.

Comment date: November 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company

[Docket No. EC98-12-000]

Take notice that Pacific Gas and Electric Company, San Diego Gas & Electric, Company and Southern California Edison Company (the Companies), on October 27, 1997, tendered for filing a Joint Application For Authorization To Permit The Use of Designated Energy Management Facilities And Systems By The California Independent System Operator Corporation. This application requests authorization for the use (including the shared use) by the California Independent System Operator (ISO) of certain Companies' energy management facilities and systems. The application describes the energy management facilities and systems as certain portions of the Companies' communications infrastructure, power system monitoring and control systems, computers, and computer software.

Comment date: November 26, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Cataula Generating Company, L.P.

[Docket No. EC98-13-000]

Take notice that Cataula Generating Company, L.P., (Cataula) on October 29, 1997, tendered for filing a Petition that the Commission approve a disposition of facilities and grant any other authorization the Commission may deem to be required under Section 203 of the Federal Power Act in connection with a proposed sale of all of the stock of Peach II Power Corporation, a partner in Cataula, to PG&E Generating Company.

Comment date: November 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. Amoco Canada Power Resources Company

[Docket No. EG98-5-000]

On October 29, 1997, Amoco Canada Power Resources Company, a company formed under the laws of Nova Scotia, whose address is c/o Amoco Canada Petroleum Company Ltd., 240 4th Avenue S.W., Calgary, Alberta, Canada, T2P 4H4 (the Applicant), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator (EWG) status pursuant to Part 365 of the Commission's Regulations.

The Applicant will be engaged directly in owning and operating eligible facilities to be constructed in Canada: the 84 MW Primrose power plant to be located near Bonnyville, Alberta, consisting of one General Electric natural-gas fired combustion turbine and electric generator and associated equipment and real estate. The turbine is natural gas-fired only.

Comment date: November 20, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29731 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 459-088, 090 & 091]

Union Electric Company; Notice of Availability of Environmental Assessment

November 5, 1997.

An environmental assessment (EA) is available for public review. The EA analyzes the environmental impacts of approving three non-project lands applications at the Osage Hydroelectric Project FERC No. 459. The Osage Hydroelectric Project is on the Osage River in Benton and Camden Counties, Missouri. Its reservoir is the Lake of the Ozarks. The applications reviewed in the EA include: (1) A permit to dredge 4,000 cubic yards (cy) of sediment and construct a new marina, (2) a permit to dredge 600 cy of sediment and construct a new boat ramp, and (3) a permit to dredge 4,500 cy of gravel to reduce flooding of adjacent properties and install 500 feet of riprap to protect an eroding streambank. These permits are for work in the Gravois Arm, mile 78.7, and Indian Creek Arm of Lake of the Ozarks, respectively.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Commission staff conclude that approving the licensee's applications to grant the three permits would not constitute a major federal action significantly affecting the quality of the human environment. Copies of the EA can be obtained by calling the

Commission's Public Reference Room at (202) 208-1371.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29682 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File an Application for a New License

November 5, 1997.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of filing:* Notice of Intent to File an Application for a New License.

b. *Project No.:* 2835.

c. *Date filed:* October 20, 1997.

d. *Submitted By:* New York State Electric & Gas Corporation, current licensee.

e. *Name of Project:* Rainbow Falls Hydroelectric Project.

f. *Location:* On the Ausable River, in Clinton and Essex Counties, New York.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. *Effective date of current license:* April 1, 1962.

i. *Expiration date of current license:* November 30, 2002.

j. *The project consists of:* (1) A 435-foot-long concrete gravity dam comprising: (a) a 345-foot-long, 19-foot-high spillway equipped with 3-foot-high flash boards; (b) a sluice gate section and intake works; and (c) a concrete abutment and earthen dike; (2) a 17-acre reservoir with a maximum water surface elevation of 311 feet msl; (3) a power intake leading to a 250-foot-long, 14-foot-wide, and 22-foot-deep power canal; (4) a gatehouse with a trashrack and three gates; (5) a 411-foot-long and a 401-foot-long, 6-foot-diameter

penstocks; (6) a powerhouse containing two generating units with a total installed capacity of 2,640 kW; and (7) appurtenant facilities.

k. Pursuant to 18 CFR 16.7, information on the project is available at: New York State Electric & Gas Corporation, Corporate Drive, Kirkwood Industrial Park, Kirkwood, NY 13795, Attn: Carol Howland, (607) 762-8881.

l. *FERC contact:* Tom Dean (202) 219-2778.

m. Pursuant to 18 CFR 16.9 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by November 30, 2000.

Lois D. Cashell,

Secretary.

[FR Doc. 97-29683 Filed 11-10-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Cases Filed During the Week of August 11 Through August 15, 1997

During the Week of August 11 through August 15, 1997, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585-0107.

Dated: October 27, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of August 11 through August 15, 1997]

Date	Name and location of applicant	Case No.	Type of submission
8/12/97	Damar Worldwide, Inc., Memphis, Tennessee.	VEE-0048	Request for Exception. If granted: Damar Worldwide, Inc. would be granted exception relief from the energy efficiency standards for 75 watt RB30 incandescent light bulbs specified in 10 CFR Part 430 which would permit the firm to import lamps of that wattage that were ordered from foreign manufacturers before it received actual notice that the regulations were modified in a Final Rule published in the FEDERAL REGISTER on May 29, 1997.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of August 11 through August 15, 1997]

Date	Name and location of applicant	Case No.	Type of submission
8/13/97	Personnel Security Hearing	VSO-0171	Request for Hearing under 10 CFR Part 710 If granted: An individual employed by the Department of Energy would receive a hearing under 10 CFR Part 710.
8/14/97	Karen Coleman-Wiltshire, Olney, Maryland	VFA-0325	Request of an Information Request Denial If granted: The June 27, 1997 Freedom of Information Request Denial issued by the Department of the Army would be rescinded, and Karen Coleman-Wiltshire would receive access to certain DOE information.
8/14/97	Primerica Corp., Hardin, Kentucky	RR272-300	Request for Modification/Rescission in the Crude Oil Refund Proceeding If granted: The August 8, 1997 Decision and Order Case No. RG272-1074 issued to Primerica Corp. would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.

[FR Doc. 97-29738 Filed 11-10-97; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Office of Hearings and Appeals****Notice of Cases Filed During the Week of August 25 Through August 29, 1997**

During the Week of August 25 through August 29, 1997, the appeals,

applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and

Appeals, Department of Energy, Washington, DC 20585-0107.

Dated: October 28, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of August 25 through August 29, 1997]

Date	Name and location of applicant	Case No.	Type of submission
8/26/97	INEL Research Bureau, Troy, Idaho	VFA-0328	Appeal of an Information Request Denial. If granted: The July 25, 1997 Freedom of Information Request Denial issued by Richland Operations Office would be rescinded, and INEL Research Bureau would receive access to certain DOE information.
8/27/97	Travelers Group, New York, NY	RR272-301	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The August 8, 1997 Decision and Order (Case No. RG272-1074) issued to Travelers Group would be modified regarding the firm's Application for Refund submitted in the Crude Oil refund proceeding.
8/28/97	Personnel Security Review	VSA-0150	Request for Review of Opinion Under 10 CFR Part 710. If granted: The August 7, 1997 Hearing Officer Opinion (Case No. VSO-0150) would be reviewed at the request of an individual by the Department of Energy.

[FR Doc. 97-29739 Filed 11-10-97; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Office of Hearings and Appeals****Notice of Cases Filed During the Week of September 15 Through September 19, 1997**

During the Week of September 15 through September 19, 1997, the

appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585-0107.

Dated: October 28, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of September 15 through September 19, 1997]

Date	Name and location of applicant	Case No.	Type of submission
9/17/97	VSO-0175	Personnel Security Hearing	Request for Hearing Under 10 C.F.R. Part 710. If granted: An individual employed by the Department of Energy would receive a hearing under 10 C.F.R. Part 710.
9/17/97 Personnel Security Hearing.	VSO-0176	Personnel Security Hearing	Request for Hearing Under 10 C.F.R. Part 710. If granted: An individual employed by the Department of Energy would receive a hearing under 10 C.F.R. Part 710.
9/17/97	Personnel Security Hearing	VSO-0177	Request for Hearing Under 10 C.F.R. Part 710. If granted: An individual employed by the Department of Energy would receive a hearing under 10 C.F.R. Part 710.
9/18/97	Personnel Security Hearing	VSA-0139	Request for Review of Opinion under 10 C.F.R. Part 710. If granted: The August 14, 1997 Opinion of the Office of Hearings and Appeals Case No. VSO-0139 would be reviewed at the request of an individual employed by the Department of Energy.
9/19/97	Pillsbury Co., Minneapolis, MN	RR272-303	Request for Modification/Rescission.

[FR Doc. 97-29741 Filed 11-10-97; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Office of Hearings and Appeals****Implementation of Special Refund Procedures**

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy announces the procedures for disbursement of \$2,451,396 (plus accrued interest) in alleged or adjudicated crude oil overcharges obtained by the DOE from Crude Oil Purchasing, Incorporated (Case No. LEF-0058), Jaguar Petroleum, Incorporated (Case No. LEF-0059), Westport Energy Corporation/Westport Petroleum Corporation (Case No. LEF-0113), and Gratex Corporation/Compton Corporation (Case No. VEF-0012). The OHA has determined that the funds obtained from these firms, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986).

FOR FURTHER INFORMATION CONTACT: Bryan F. MacPherson, Assistant Director, Office of Hearings and Appeals, Washington, DC 20585-0107, (202) 426-1571.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set forth below. The Decision and Order sets forth

procedures that the DOE will use to distribute a total of \$2,451,396, plus accrued interest, remitted to the DOE by (1) Crude Oil Purchasing, Incorporated, (2) Jaguar Petroleum, Incorporated, (3) Westport Energy Corporation & Westport Petroleum Corporation, and (4) Gratex Corporation/Compton Corporation. The DOE is currently holding these funds in interest bearing escrow accounts pending distribution.

The OHA will distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986)(the MSRP). Under the MSRP, crude oil overcharge moneys are divided among the federal government, the states, and injured purchasers of refined petroleum products. Refunds to the states will be distributed in proportion to each state's consumption of petroleum products during the price control period. Refunds to eligible purchasers will be based on the volume of petroleum products that they purchased and the extent to which they can demonstrate injury. Because the June 30, 1995, deadline for the crude oil refund applications has passed, no new applications from purchasers of refined petroleum products will be accepted.

Dated: October 29, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy**Implementation of Special Refund Procedures**

Names of Firms: Crude Oil Purchasing, Incorporated; Jaguar Petroleum, Incorporated; Westport Energy Corporation & Westport Petroleum Corporation; Gratex Corporation/Compton Corporation.

Dates of Filings: July 20, 1993; July 20, 1993; September 9, 1993; March 23, 1995.

Case Numbers: LEF-0058, LEF-0059, LEF-0113, VEF-0012.

The Economic Regulatory Administration (ERA) of the Department of Energy filed four Petitions for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA). In the petitions, ERA asks OHA to distribute funds remitted to the DOE pursuant to settlements between Crude Oil Purchasing, Incorporated (COP), Jaguar Petroleum, Incorporated (Jaguar), Westport Energy Corporation & Westport Petroleum Corporation (Westport), Gratex Corporation and its parent, Compton Corporation (Gratex/Compton). A total of \$2,451,396, plus interest, is available for restitution. All of these funds are now being held in interest-bearing escrow accounts pending a determination regarding their proper disposition.

In accordance with the procedural regulations codified at 10 C.F.R. Part 205, Subpart V, the ERA requests in its Petitions that the OHA establish special refund procedures to remedy the effects of any regulatory violations which were resolved by these settlements. This Decision and Order sets forth the OHA's final plan to distribute these funds.¹

I. Background

On September 21, 1982, DOE and COP entered into a Consent Order which resolved all pending or potential claims that DOE had or may have

¹ For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, see Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. 4501-07, and Office of Enforcement, 9 DOE ¶82,508 (1981).

against COP relating to COP's compliance with the federal petroleum price and allocation regulations during the period from January 1, 1973 to January 27, 1981. There is a total of \$93,750, plus interest, available from COP for restitution.

On May 31, 1983, DOE and Jaguar entered into a Consent Order which resolved all pending or potential claims that DOE had or may have against Jaguar relating to Jaguar's compliance with the federal petroleum price and allocation regulations during the period from November 14, 1979 to January 27, 1981. There is a total of \$64,500, plus interest, available from Jaguar for restitution.

On May 11, 1983, the EAR issued a Proposed Remedial Order (PRO) to Westport alleging overcharges in the resale of crude oil during the period from June 1980 to November 1980. OHA dismissed this PRO after Westport was discharged in bankruptcy and DOE was entitled to receive payments under the bankruptcy reorganization plan. Under Westport's Second Amended Liquidating Plan of Reorganization, approved by the U.S. Bankruptcy Court for the District of Colorado on July 30, 1986, Westport was required to make payments to DOE, and OHA was directed to distribute to the Westport escrow account %35 of any refunds that it granted to Westport in other refund proceedings. Thus far, DOE has collected a total of \$126,172 from Westport. That amount, plus interest, is available for restitution.

ERA filed claims in the bankruptcy cases of Grutex and Compton alleging overcharges in the resale of crude oil during the period from December 1978 to December 1980. On April 27, 1984, ERA issued a PRO to Grutex and Compton based on these same facts. On October 18, 1988, the United States Bankruptcy Court for the Northern District of Texas approved a Compromise Agreement in the Grutex proceeding which obligated Grutex to pay DOE a lump sum plus a percentage of future distributions made to unsecured creditors. In 1992, the United States Bankruptcy Court for the Northern District of Texas approved a compromise agreement in the Compton proceeding. Thus far, Grutex and Compton have paid to the DOE the sum of \$2,166,974. This amount, plus interest, is available for restitution.

II. The Proposed Refund Procedures

On April 22, 1997, we issued a proposed Decision and Order (PDO) that tentatively concluded that ERA's Petitions for the Implementation of Special Refund Procedures with respect

to the funds collected from these four firms should be approved. Notice of Proposed Implementation of Special Refund Procedures, 62 Fed. Reg. 23444 (April 30, 1997). In each case, we proposed to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986) (the MSRP). The MSRP has been the basis for the distribution in these Subpart V proceedings of all crude oil funds DOE has obtained. See Order Implementing the MSRP, 51 Fed. Reg. 29689 (August 20, 1986); Notice regarding the Order Implementing the MSRP, 52 Fed. Reg. 11737 (April 10, 1987).

The MSRP was issued as a result of a court-approved Settlement Agreement. *In re: The Department of Energy Stripper Well Exemption Litigation*, 653 F. Supp. 108 (D. Kan. 1986) (the Stripper Well Settlement Agreement). The MSRP establishes that 40 percent of the crude oil funds will be remitted to the federal government, another 40 percent to the states, and up to 20 percent may be initially reserved for payment of claims to injured parties. The MSRP also specifies that any monies remaining after all valid claims by injured purchasers are paid be disbursed to the federal government and the states in equal amounts.

OHA did not receive any comments on the PDO, and we adopt its tentative determination to distribute the funds remitted by COP, Jaguar, Westport, and Grutex/Compton in accordance with the MSRP. Accordingly, we will reserve 20 percent of these funds for direct refunds to claimants.² The remaining 80 percent of the funds collected from these firms shall be disbursed in equal shares to the states and the federal government for indirect restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the period of price controls, as set forth in Exhibit H of the Stripper Well Settlement Agreement, 6 Fed. Energy Guidelines ¶ 90,509 at 90,687. When disbursed, these funds will be subject to the same limitations

² It is no longer possible to file an Application for Refund from the crude oil funds as the final deadline for such Applications was June 30, 1995. See 60 FR 19914 (April 21, 1995). A party that submitted a timely claim in the crude oil refund proceeding need not file another claim in order to share in the funds at issue in this Decision. OHA is currently paying crude oil refund claims at the rate of \$0.0016 per gallon. We will decide whether additional refunds will be made when we are better able to determine how much additional money will be collected from firms that have either outstanding obligations to the DOE or enforcement cases currently in litigation.

and reporting requirements as all other crude oil monies received by the states under the Stripper Well Settlement Agreement. If additional funds are subsequently collected from these firms after the issuance of this Decision and Order, such funds shall be distributed in the same manner.

It Is Therefore Ordered That:

(1) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller of the Department of Energy shall take all steps necessary to transfer the full balances from the following accounts: approximately \$93,750, plus all accrued interest, from the Crude Oil Purchasing, Incorporated subaccount (Account No. 6A0X00269T), approximately \$64,500 plus all accrued interest from the Jaguar Petroleum, Incorporated subaccount (Account No. 640X00444T), approximately \$126,172, plus all accrued interest from the Westport Energy Corporation & Westport Petroleum Corporation subaccount (Account No. 6C0X00292Z), approximately \$2,166,974 plus all accrued interest from the Grutex Corporation/Compton Corporation subaccount (Account No. 6A0X00340W), for a total of approximately \$2,451,396, plus all accrued interest, pursuant to Paragraphs (2), (3), and (4) of this Decision.

(2) The Director of Special Accounts and Payroll shall transfer \$980,558 (plus interest) of the funds obtained pursuant to Paragraph (1) above into the subaccount denominated "Crude Tracking—States," Number 999DOE003W.

(3) The Director of Special Accounts and Payroll shall transfer \$980,558 (plus interest) of the funds obtained pursuant to Paragraph (1) above into the subaccount denominated "Crude Tracking—Federal," Number 999DOE002W.

(4) The Director of Special Accounts and Payroll shall transfer \$490,280 (plus interest) of the funds obtained pursuant to Paragraph (1) above into the subaccount denominated "Crude Tracking—Claimants 4," Number 999DOE010Z.

(5) This is a final Order of the Department of Energy.

Dated: October 29, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 97-29737 Filed 11-10-97; 8:45 am]

BILLING CODE 6550-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5920-1]

Announcement of Stakeholders Meeting Regarding the Use of Screening Procedures for Drinking Water Compliance Monitoring**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of stakeholders meeting.

SUMMARY: The Environmental Protection Agency will be holding a public meeting on Thursday, December 4, 1997. The purpose of this meeting is to present information regarding EPA's plans for the approval of screening procedures for the compliance monitoring of drinking water contaminants, to solicit public input on the potential uses of screening procedures, and to seek the preferences of the public regarding approaches for continued public involvement. This meeting is a continuation of public meetings that started in 1995 to obtain input on the Agency's Drinking Water Program. These meetings were initiated as part of the Drinking Water Program Redirection efforts to help refocus EPA's drinking water priorities and to support strong, flexible partnerships among EPA, states, local governments, and the public. At the upcoming meeting, EPA is seeking input from the regulated community (public water systems), method developers/vendors, analytical laboratories, research and regulatory personnel, environmental and public interest groups, and other stakeholders. Input is requested regarding the current and potential applications of screening procedures for drinking water compliance monitoring, their anticipated availability and costs, the development of a framework for the approval and use of screening procedures and of a screening procedure validation protocol, and other considerations that may shape future EPA action regarding contaminant analysis. EPA encourages the full participation of the public throughout this process.

DATES: The stakeholders meeting on Screening Procedures will be held on December 4, 1997 from 9:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at RESOLVE, 1255 23rd Street, NW. (Suite 275), Washington, DC 20037. For additional information, please contact the Safe Drinking Water Hotline, at phone: (800) 426-4791 or FAX: (703) 285-1101. Members of the public wishing to attend the meeting may register by telephone through the Safe

Drinking Water Hotline by November 21, 1997. Those registered for the meeting by November 21, 1997 will receive background materials prior to the meeting. Members of the public who cannot attend the meeting in person may participate via conference call and should also register with the Safe Drinking Water Hotline by November 21, 1997. Members of the public who cannot participate via conference call or in person may submit comments in writing by December 19, 1997 to: William Labiosa, U.S. Environmental Protection Agency, 401 M Street, SW. (4607), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: For general information on meeting logistics, please contact the Safe Drinking Water Hotline at 1-800-426-4791. For other information on activities related to the approval of screening procedures, please contact William Labiosa at U.S. Environmental Protection Agency, Phone: 202-260-4835, Fax: 202-260-3762.

SUPPLEMENTARY INFORMATION:**A. Background**

On August 6, 1996, the Congress passed amendments to the Safe Drinking Water Act (SDWA), which establishes a new charter for the nation's public water systems, states, and EPA in protecting the safety of drinking water. The amended SDWA requires EPA to review "new analytical methods to screen for regulated contaminants." After this review, EPA "may approve such methods as are more accurate or cost-effective than established reference methods for use in compliance monitoring" [SDWA, Section 1445(i)]. EPA is also exploring the use of screening procedures for use in the monitoring of unregulated contaminants with monitoring requirements. These methods are expected to provide flexibility to PWSs in compliance monitoring and are expected to be "better and/or cheaper and/or faster" than existing analytical methods.

B. Request for Stakeholder Involvement

EPA has announced this public meeting to obtain stakeholder input to the development of a framework for the identification, approval, use, and validation of screening procedures for the monitoring of drinking water contaminants. Approval and method validation processes based on the Streamlining protocol that was proposed on March 28, 1997 [62 FR 14975] will be discussed. EPA is also seeking input regarding the types of monitoring and contaminants for which

screening procedures may be most amenable.

The public is invited to provide comments on the issues listed above and other issues related to screening procedures during the December 4, 1997, meeting or in writing by December 19, 1997.

Dated: November 5, 1997.

Elizabeth Fellows,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 97-29736 Filed 11-10-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-34118; FRL 5753-4]

Notice of Receipt of Requests for Amendments to Delete Uses in Certain Pesticide Registrations**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: In accordance with Section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

DATES: Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on May 11, 1998.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier, delivery, telephone number and e-mail: Room 216, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5761; e-mail: hollins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This Notice announces receipt by the Agency of applications from registrants

to delete uses in the three pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product names, active ingredients and the specific uses deleted. Users of these products who

desire continued use on crops or sites being deleted should contact the applicable registrant before May 11, 1998 to discuss withdrawal of the applications for amendment. This 180-day period will also permit interested

members of the public to intercede with registrants prior to the Agency approval of the deletion. (Note: Registration number(s) preceded by ** indicate a 30-day comment period.)

TABLE 1. — REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Reg No.	Product Name	Active Ingredient	Delete From Label
**019713-00304	Green Devil Containing 50% Malathion	Malathion	Fleas on dogs and pets, household pests
059144-00003	Sevin 5% Brand Carbaryl Insecticide Dust	Carbaryl	Use on citrus trees, ornamental trees
059144-00005	Sevin 10% Brand Carbaryl Insecticide Dust		Use on citrus trees, ornamental trees

(Note: Registration number (s) preceded by ** indicate a 30-day comment period)

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2. — REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

Company No.	Company Name and Address
019713	Drexel Chemical Co., P.O. Box 13327, Memphis, TN 38113.
059144	GRO TEC, Inc., P.O. Box 290, Madison, GA 30560.

III. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: October 29, 1997.

Linda A. Travers,

Director, Information Resources Services Division, Office of Pesticide Programs.

[FR Doc. 97-29745 Filed 11-10-97; 8:45 am]

BILLING CODE 6560-50-F

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on November 13,

1997, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT:

Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

B. New Business

Regulation

Loan Policies and Operations; Loan Sales Relief

* Closed Session

C. Reports

1. OSMO Quarterly Report

2. Litigation Update

* Session Closed—Exempt pursuant to 5 U.S.C. 552b(c) (8), (9) and (10)

Dated: November 6, 1997.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 97-29799 Filed 11-6-97; 4:39 pm]

BILLING CODE 6705-01-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 97-2327]

Notice of Telecommunications Relay Services (TRS) Applications for State Certification Accepted (CC Docket No. 90-571)

Released: November 5, 1997.

Notice is hereby given that the states listed below have applied to the Commission for State Telecommunications Relay Service (TRS) Certification. Current state certifications expire July 25, 1998. Applications for certification, covering the five year period of July 26, 1998 to July 25, 2003, must demonstrate that the state TRS program complies with the Commission's rules for the provision of TRS, pursuant to Title IV of the Americans with Disabilities Act (ADA), 47 U.S.C. 225. These rules are codified at 47 CFR 64.601-605.

Copies of applications for certification are available for public inspection at the Commission's Common Carrier Bureau, Network Services Division, Room 235, 2000 M Street, N.W., Washington, D.C., Monday through Thursday, 8:30 AM to 3:00 PM (closed 12:30 to 1:30 PM) and the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C., daily, from 9:00 AM to 4:30 PM. Interested persons may file comments on or before December 12, 1997. Comments should reference the relevant

state file number of the state application that is being commented upon. One original and five copies of all comments must be sent to William F. Caton, Acting Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Two copies also should be sent to the Network Services Division, Common Carrier Bureau, 2000 M Street, N.W., Room 235, Washington, D.C. 20554.

A number of state TRS programs currently holding FCC certification have failed to apply for recertification. Applications received after October 1, 1997, for which no extension has been requested before October 1, 1997, must be accompanied by a petition explaining the circumstances of the late-filing and requesting acceptance of the late-filed application.

File No: TRS-97-40

Applicant: Connecticut Department of Public Utility Control
State of Connecticut

File No: TRS-97-37

Applicant: New Mexico Commission for the Deaf and Hard of Hearing
State of New Mexico

For further information, contact Al McCloud, (202) 418-2499, amcloud@fcc.gov, or Andy Firth, (202) 418-2224 (TTY), afirth@fcc.gov, at the Network Services Division, Common Carrier Bureau, Federal Communications Commission.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-29647 Filed 11-10-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2237]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

Petitions for reconsideration and clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to these petitions must be filed November 28, 1997. See Section 1.4(b)(1) of the Commission's rule (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Telephone Number Portability (CC Docket 95-116, RM-8535).

Number of Petitions Filed: 1.

Subject: Closed Captioning and Video Description of Video Programming Implementation of Section 305 of the Telecommunications Act of 1996 Video Programming Accessibility (MM Docket No. 95-176).

Number of Petitions Filed: 9.

Subject: Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) Communications Act of 1934 (WT Docket 97-192).

Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket No. 93-62).

Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Amendment of the Commissions's Rules to Preempt State and Local Regulation of Commercial Mobile Radio Service Transmitting Facilities (RM-8577).

Number of Petitions Filed: 1.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-29648 Filed 11-10-97; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting; Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Wednesday, November 5, 1997, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Director Joseph H. Neely (Appointive), seconded by Director Ellen S. Seidman (Director, Office of Thrift Supervision), concurred in by Ms. Judy Walter, acting in the place and stead of Director Eugene A. Ludwig (Comptroller of the Currency), and Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by

authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, N.W., Washington, DC.

Dated: November 6, 1997.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 97-29850 Filed 11-7-97; 11:45 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 5, 1997.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. *Community First Banking Corporation*, Carrollton, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Carrollton Federal Bank, FSB,

Bowden, Georgia, following its conversion to a commercial bank.

2. *Compass Bancshares, Inc.*, Birmingham, Alabama; Compass Banks of Texas, Inc., Birmingham, Alabama; and Compass Bancorporation of Texas, Inc., Wilmington, Delaware; to merge with First University Corporation, Houston, Texas, and thereby indirectly acquire West University Bank, Houston, Texas.

Board of Governors of the Federal Reserve System, November 6, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97-29758 Filed 11-10-97; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 26, 1997.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. *SunTrust Banks of Georgia, Inc.*, Atlanta, Georgia; to acquire Equitable Securities Corporation, Nashville, Tennessee, and thereby engage in underwriting and dealing in all types of ineligible securities. See *J.P. Morgan & Co. Incorporated, et al.*, 75 Fed. Res. Bull. 192 (1989); extending credit and servicing loans, pursuant to §

225.28(b)(1) of the Board's Regulation Y; activities related to extending credit, specifically, arranging commercial real estate equity financing, pursuant to § 225.28(b)(2)(ii) of the Board's Regulation Y; leasing personal or real property, pursuant to § 225.28(b)(3) of the Board's Regulation Y; trust company activities, pursuant to § 225.28(b)(5) of the Board's Regulation Y; financial and investment advisory activities, pursuant to § 225.28(b)(6) of the Board's Regulation Y; securities brokerage activities; riskless principal activities; private placement services; and other transactional services, pursuant to § 225.28(b)(7) of the Board's Regulation Y; underwriting and dealing in government obligations and money market instruments, pursuant to § 225.28(b)(8)(i) of the Board's Regulation Y; investing and trading activities, pursuant to § 225.28(b)(8)(ii) of the Board's Regulation Y; and other related incidental activities. See, e.g., *J.P. Morgan & Co.*, 75 Fed. Res. Bull. at 213, n. 59.

Board of Governors of the Federal Reserve System, November 6, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97-29759 Filed 11-10-97; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Friday, November 14, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed 1998 Federal Reserve Board employee salary structure adjustments and merit program.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal System employees.

3. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202-452-3204.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may

contact the Board's Web site at <http://www.bog.frb.fed.us> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meetings.

Dated: November 7, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97-29821 Filed 11-7-97; 10:08 am]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0987]

Policy Statement on Privately Operated Multilateral Settlement Systems

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: As part of its payment system risk reduction program, the Board of Governors is requesting comment on a proposal to integrate its policies on "Privately Operated Large-Dollar Multilateral Netting Systems" and "Private Small-Dollar Clearing and Settlement Systems" into a single, comprehensive policy statement on "Privately Operated Multilateral Settlement Systems."

DATES: Comments must be received by February 10, 1998.

ADDRESSES: Comments should refer to Docket No. R-0987 and may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Comments may also be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m. on weekdays, and to the security control room at all other times. The mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments will be available for inspection and copying by members of the public in the Freedom of Information Office, Room MP-500, between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in Section 261.8 of the Board's Rules Regarding Availability of Information.

FOR FURTHER INFORMATION CONTACT: Jeffrey C. Marquardt, Assistant Director (202/452-2360), Paul Bettge, Assistant Director (202/452-3174), or Heidi Richards, Senior Financial Services Analyst (202/452-2598), Division of Reserve Bank Operations and Payment Systems; or Oliver Ireland, Associate General Counsel (202/452-3625); for the hearing impaired only,

Telecommunications Device for the Deaf, Diane Jenkins (202/452-3544).

SUPPLEMENTARY INFORMATION:

I. Background

In 1994, the Board adopted a policy statement on Privately Operated Large-Dollar Multilateral Netting Systems (Large-Dollar Policy Statement).¹ The Large-Dollar Policy Statement, which replaced earlier policy statements on large-dollar funds transfer networks and offshore dollar clearing and netting systems, contains minimum standards for multilateral netting systems (Lamfalussy Minimum Standards) set forth in The Report of the Committee on Interbank Netting Schemes of the Central Banks of the Group of Ten Countries (Lamfalussy Report).² The criteria for identifying arrangements subject to the policy were designed to limit the scope and application of the policy to large-dollar multilateral netting systems for payments and foreign exchange contracts that involve settlements in U.S. dollars and have the potential to increase systemic risk in financial markets.

At the time the Large-Dollar Policy Statement was adopted, the Board recognized that in the case of larger multilateral netting systems for "batch-processed" payments, such as checks or automated clearing house (ACH) payments, certain electronic controls that would be required to implement the Lamfalussy Minimum Standards might not be feasible. In addition, the characteristics of the instruments cleared in such systems, along with the scale of systemic risk, might differ from large-dollar systems. Consequently, the Board stated its intent to study further the implications of the Lamfalussy Minimum Standards for privately operated multilateral netting systems for batch-processed payments and did not apply the Large-Dollar Policy Statement to those systems at that time.

In addition, in 1995, the Board began a comprehensive evaluation of its policies regarding Federal Reserve net settlement services, which are typically used by privately operated clearinghouses for batch-processed and other small-dollar payments, including checks, ACH payments, and in some cases, automated teller machine (ATM) and credit card transactions. The Board's review addressed both the need to enhance the Federal Reserve's net settlement services and risk-reduction policies toward small-dollar payments clearinghouses more generally, including, potentially, the Lamfalussy

Minimum Standards. As a result of this review, the Board issued for public comment a proposal for enhancing the Federal Reserve's net settlement services (62 FR 32118, June 12, 1997).

The proposed modifications to the Policy Statement on Payments System Risk issued in this notice also stem from this comprehensive evaluation of net settlement services and policies. This proposal would repeal the existing Large-Dollar Policy Statement and replace it with a unified policy statement on risks in multilateral settlement arrangements. The proposal is not intended to alter the Board's current policy as applied to those existing privately operated large-dollar multilateral netting systems that are currently subject to the Large-Dollar Policy Statement, but to integrate that policy within a broader and more consistent policy framework.

II. The Proposed Policy Statement

Rationale for and Scope of the Policy

The proposed policy statement is designed to address risks in multilateral settlement arrangements for both "small-dollar" payments, such as checks and ACH transfers, and "large-dollar" payments, which are typically used to settle interbank and other financial market transactions. The policy statement recognizes that settlement of payments through a multilateral clearinghouse arrangement may not necessarily pose material additional risks for participants relative to other methods of settlement, such as bilateral or correspondent settlement. For example, in smaller arrangements used primarily to settle customer or third-party payments, such as check clearinghouses, participants generally are not exposed to significant credit risk with respect to the underlying payments. Payments are supported by a well established body of law and operational practice that would help determine the resolution of a participant default or clearinghouse settlement failure. In other arrangements, however, such as those for some types of electronic payments, the characteristics of the underlying payments in the event of a settlement disruption or failure and the operational options for resolving such a situation may be much less clear.

The proposed policy statement, therefore, is directed only at those multilateral settlement arrangements that heighten existing risks inherent in the settlement process or that create new risks to their participants or to financial markets. For these systems, the Board believes that policy guidance on settlement risk concerns at the

clearinghouse or system level is warranted. For other systems, which are likely to include the vast majority of clearinghouse arrangements for small-dollar payments, reliance on existing supervisory approaches aimed at promoting the safe and sound operation of financial institutions, including the Bank Service Company Act, is appropriate.

Fundamental categories of risk, including credit, liquidity, operational, legal, and systemic risk, are common to many different types of multilateral settlement arrangements. The magnitude and specific manifestation of these settlement-related risks, as well as the most cost-effective means of managing them, differ across systems. Therefore, the proposed policy statement provides a flexible, risk-based approach to risk management, rather than imposing uniform, rigid requirements on all systems. While the flexible approach may lead to some initial uncertainties in the implementation of the policy statement, the Board expects that the costs of such uncertainty would be significantly lower than the costs of an alternative policy that mandated uniform risk management standards for all systems. Further, such a uniform, rigid policy would likely not adequately address risks in some systems and would impose unnecessary costs on the majority of systems that pose limited or no additional risks relative to other forms of settlement.

Risk Factors and Risk Management Measures

The proposed policy statement identifies five categories of settlement-related risks—credit, liquidity, operational, legal, and systemic—that may arise in multilateral settlement systems. For each type of risk, the policy statement includes (1) a discussion of risk factors that give rise to concerns, (2) threshold criteria for each risk category that are intended to serve as "safe harbors" for purposes of compliance with the policy statement, and (3) common examples of risk management or mitigating controls that can be used to address these risk factors. Systems would be expected to address any material risks in each category.

First, the discussion of risk factors for each category is intended to identify multilateral systems where such risks are heightened relative to other means of settlement. In general, risks may be heightened in multilateral settlement arrangements if the ability of participants to manage settlement-related risks individually are reduced

¹ 59 FR 67534, December 29, 1994.

² Bank for International Settlements (Basle, 1990).

for operational or other reasons, or because risk management incentives are reduced as a result of shifts in bilateral obligations and risk exposures between participants. Risks could also be increased if no alternative to multilateral settlement in a particular system is available, such that settlements could not reasonably be expected to be completed by participants in a timely manner outside the system in the event that settlement could not be completed within the system.

Second, for each risk category the policy statement specifies qualitative and quantitative thresholds and other criteria intended to identify more clearly systems in which these risks are not likely to arise. These criteria are intended to simplify administration of the policy. Many clearinghouse arrangements will fall below the thresholds or not meet specified criteria and therefore will not be required to assess their compliance with the policy statement. The Board requests comment on the appropriateness of these threshold criteria. The Board expects that smaller check clearinghouses, for example, will not need to modify their operations at all in order to comply with the policy; others should only have to make minimal changes, for example, changes in settlement timing or settlement failure notification policies. To provide further guidance on application of the policy, the Appendix to the policy statement also contains specific illustrative examples.

Third, the risk management discussion in the proposed policy statement provides illustrations of the type of risk management measures that may be appropriate given the particular risk factors identified. Particularly for multilateral settlement systems that are not likely to raise systemic risk concerns, this policy is intended to provide flexible guidance on means to address risks. In general, the Board believes that risk management measures should be commensurate with the scale and scope of risks. In some cases, the Board recognizes that systems may need to consult with Board staff regarding approaches to addressing identified risk factors.

For multilateral settlement systems that are sufficiently large to raise potential systemic risk concerns, the proposed policy statement imposes higher risk management standards. The Board is proposing to retain the threshold criteria for application of the Large-Dollar Policy Statement, including \$500 million in daily net settlement amounts or an average payment size of \$100,000. The Board

requests comment on the appropriate level of these thresholds, or whether a different measure, such as gross payment value settled, or net settlement amounts alone, would be more appropriate proxies for systemic risk.

Under the proposed policy statement, those larger systems that meet the systemic risk criteria would be expected to demonstrate robust policies and procedures for addressing settlement failures and disruptions, but would not necessarily be required to meet all of the Lamfalussy Minimum Standards. The Board believes that full application of the Lamfalussy Minimum Standards embodied in the existing Large-Dollar Policy Statement may not be necessary or appropriate for some of those arrangements. These standards were designed for those multilateral netting systems for which a failure to settle all positions on a multilateral net basis as and when expected could pose a high degree of systemic risk. As a result, these standards require systems, among other things, to have the ability to settle all positions on a multilateral net basis even if the participant with the largest debit position defaults on its settlement obligations. In contrast, the Board recognizes that for many small-dollar multilateral settlement systems, such as check clearinghouses, a recast of multilateral net settlement positions (to exclude transactions with the defaulting participant) or similar procedures may be an effective risk management tool. This presumes that settlement for non-defaulting participants can be completed in a timely manner and that any liquidity effects on participants are manageable.

For some larger multilateral settlement systems, however, there is no feasible or reasonable alternative to settlement of all multilateral net positions within the system as and when expected, due primarily to potentially systemic credit and liquidity effects. As a result, these systems are expected to meet fully the Lamfalussy Minimum Standards. For such systems, the proposed policy statement retains the same requirements of the Board's existing Large-Dollar Policy Statement. The Board expects that these requirements would apply to those multilateral netting systems for large-dollar payments and foreign exchange contracts that are currently required to meet the Lamfalussy Minimum Standards under the Board's existing Large-Dollar Policy Statement. For other systems meeting the systemic risk criteria under the new policy but for which real-time controls may not be operationally feasible, the Board would consider alternative risk management

measures that would provide an equivalent level of risk management.

Repeal of Existing "Small-Dollar" Policies

The Board is also proposing to repeal its existing policies for certain "small-dollar" payments clearing and settlement arrangements. These policies date from 1984 and 1990, when the Board approved the provision of Federal Reserve net settlement services to ATM and national ACH clearing arrangements, respectively, subject to certain conditions. These conditions were also restated as part of the Board's Policy Statement on Payments System Risk (57 FR 40455, September 3, 1992).

The earlier policies were designed to address specific situations that arose in the Federal Reserve's provision of net settlement services to depository institutions and were not intended to represent a comprehensive approach to fundamental risks that arise in payments clearing and settlement arrangements. In addition, the policies were developed before the Federal Reserve had fully implemented its program for managing risks in providing payment services to depository institutions, as well as other policy developments relevant to the management of interbank exposures, such as the issuance of Regulation F.

Furthermore, a policy that links clearinghouse usage of a particular Federal Reserve net settlement service to its compliance with particular risk management standards (which do not apply to other clearinghouse arrangements), may have the unintended effect of discouraging the use of settlement services with potentially lower risks to financial institutions and their customers, such as those providing same-day finality. Moreover, many of the fundamental risks that may exist in a clearing arrangement are not linked to a particular form of settlement. Consequently, the Board is proposing to repeal these policy statements once a revised, unified policy statement on risks in multilateral settlement arrangements is finalized.

Specific Questions for Comments

1. The Board requests comment on whether the policy statement adequately identifies settlement arrangements that exhibit material settlement-related risks. Please address the usefulness of the base criteria. Are there any other such thresholds or criteria that the Board should consider?

2. How should the policy statement distinguish systems that may pose systemic risk and are thus subject to

higher risk management standards from those that do not? Should the thresholds be based on net settlement amounts, gross settlement amounts, average payment size, or some other measure?

3. Should the policy statement include an Appendix with illustrative examples of application of the policy in different circumstances?

Regulatory Flexibility Act Analysis

The Board has determined that this proposed policy statement would not have a significant economic impact on a substantial number of small entities. The proposal would require multilateral settlement arrangements to address material risks in their systems. The proposal is designed to minimize regulatory burden on smaller arrangements that do not raise material risks.

Competitive Impact Analysis

The Board has established procedures for assessing the competitive impact of rule or policy changes that have a substantial impact on payments system participants.³ Under these procedures, the Board will assess whether a change would have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services due to differing legal powers or constraints, or due to a dominant market position of the Federal Reserve deriving from such differences. If no reasonable modifications would mitigate the adverse competitive effects, the Board will determine whether the anticipated benefits are significant enough to proceed with the change despite the adverse effects.

The Board does not believe that the adoption of this policy statement will have a direct and material adverse impact on the ability of other service providers to compete effectively with the Reserve Banks' payments services. A number of the payment services potentially covered by the proposed policy statement are not offered by the Federal Reserve Banks. In addition, the revised policy statement may have the effect of encouraging competition with the Federal Reserve in areas such as national check and ACH clearing and settlement. The repeal of the Board's existing policies for small-dollar payments clearing arrangements, together with the Board's proposal for an enhanced net settlement service, may reduce barriers to establishing such arrangements.

Federal Reserve System Policy Statement on Payments System Risk

The Board is amending its "Federal Reserve System Policy Statement on Payments System Risk" under the heading "II. Policies for Private-Sector Systems" by removing "A. Privately Operated Large-Dollar Multilateral Netting Systems" in its entirety and adding in its place "A. Privately Operated Multilateral Settlement Systems" and removing "C. Private Small-Dollar Clearing and Settlement Systems" in its entirety.

II. Policies for Private-Sector Systems

A. Privately Operated Multilateral Settlement Systems

Introduction

Multilateral settlement systems, such as clearinghouses and similar arrangements, may produce important efficiencies in the clearance and settlement of payments and financial contracts. Participants in such systems, typically depository institutions, exchange payments for their own account or the accounts of their customers in a coordinated fashion and settle the resulting obligations on a multilateral, often net, basis.

A variety of credit, liquidity, and other risks can arise in the clearing and settlement process that institutions must manage in the normal course of business, regardless of the method of clearing and settlement. Existing supervisory standards are generally directed at ensuring that institutions establish appropriate policies and procedures to manage such risks. For example, Regulation F directs insured depository institutions to establish policies and procedures to avoid excessive exposures to any other depository institutions, including exposures that may be generated through the clearing and settlement of payments.¹

However, the use of multilateral settlement systems introduces the risk that a failure of one participant in the system to settle its obligations will have credit or liquidity effects on participants that have not dealt with the defaulting participant. Multilateral settlement may have the effect of altering the underlying bilateral relationships that arise between institutions during the clearing and settlement process. As a result, the incentives for, or ability of, institutions to manage effectively the risk exposures to other institutions may be reduced. In addition, in some cases, there may be no feasible or timely alternative to

settlement through the multilateral system in the event that the system fails to complete settlement, due, for example, to a participant default. These factors may create added risks to participants in multilateral settlement systems relative to other settlement methods.

Clearinghouses also may generate systemic risk that could threaten the financial markets or the economy more broadly. The failure of a system to complete settlement as and when expected could generate unexpected credit losses or liquidity shortfalls that participants in the system are not able to absorb. Thus, the inability of one participant to meet its obligations within the system when due could lead to the illiquidity or failure of other institutions. Further, the disruption of a large number of payments and the resulting uncertainty could lead to broader effects on economic activity. In addition, as the Federal Reserve has established fees for daylight overdrafts, along with other risk management measures for Federal Reserve payment services, the potential exists for intraday credit risks to be shifted from the Federal Reserve to private, multilateral settlement arrangements, either domestically or in other countries, that have inadequate risk controls.

The Board believes that these concerns warrant the application of a risk management policy to a limited number of multilateral settlement systems that raise material added risks for participants or financial markets. The Board recognizes that multilateral settlement systems differ widely in terms of form, function, scale, and scope of activities. As a general rule, risk management measures should be commensurate with the nature and magnitude of risks involved, but risk management measures may be designed differently for different types of payments or systems. This policy statement, therefore, is designed to permit market participants to determine the best means of addressing risks, within certain guidelines.

The Board's adoption of this policy in no way diminishes the primary responsibilities of participants in, and operators of, multilateral settlement systems to address settlement and other risks that may arise in these systems. In addition, the Board encourages all multilateral settlement systems to consider periodically cost-effective risk management improvements, even if not specifically required under this policy. Insured depository institutions participating in multilateral settlement systems are also expected to limit their bilateral credit and liquidity exposures

³ These procedures are described in the Board's policy statement "The Federal Reserve in the Payments System," as revised in March 1990. (55 FR 11648, March 29, 1990).

¹ See 12 CFR 206.

as required under Federal Reserve Regulation F.

Scope and Administration of the Policy

This policy statement will be applied to privately operated multilateral settlement systems or arrangements with three or more participants that settle U.S. dollar payments, including but not limited to systems for the settlement of checks, automated clearinghouse (ACH) transfers, credit, debit, and other card transactions, large-value interbank transfers, or foreign exchange contracts involving the U.S. dollar. It does not apply to clearing and settlement systems for securities or exchange-traded futures and options. This policy statement is not intended to apply to bilateral relationships between financial institutions, such as those involved in traditional correspondent banking. The Board may also apply this policy to any non-U.S. dollar system based, or operated, in the United States that engages in the multilateral settlement of non-dollar payments among financial institutions and that would otherwise be subject to this policy.

The Board expects to be guided by this policy statement in taking action in its supervisory and operational relationships with state member banks, bank holding companies, and clearinghouse arrangements, including, for example, the provision of net settlement services and the implementation of the Bank Service Company Act.² Systems subject to this policy may be asked to provide gross and net settlement data, as well as intraday position data, if applicable, to the Federal Reserve.

Risk Factors and Risk Management Measures

The risk factors described below are intended to identify those multilateral settlement systems that may pose material added risks relative to conventional bilateral means of settlement, and which therefore must address these risks under this policy statement. The Board believes that the vast majority of multilateral settlement systems, including most clearinghouses for checks and other small-value payments, do not raise the risks identified below to a material degree. Threshold criteria for each risk category exclude many such systems from the need to assess risk factors under the policy. The Appendix to this policy statement also provides several illustrative examples of the likely

application of the requirements of the policy statement.

Systems that exhibit one or more risk factors should take steps to address those specific risks, including consideration of the risk management measures listed below. If necessary, the Board will work with systems to determine whether changes in their policies or operations are required and, if so, whether steps proposed by the system would satisfy the requirements of the policy. In some cases, an operational change may mitigate a particular risk factor. In other cases, systems may need to develop or modify written rules, policies, and procedures that specify the rights and obligations of participants, as well as other relevant parties, such as settlement agents for the system, in the event that a settlement cannot be completed as and when expected. Such rules and procedures should be disclosed to all participants and their primary regulatory authorities.

In general, risk management controls should be proportional to the nature and magnitude of risks in the particular system. For larger systems that have the potential to create systemic risk, the Board expects systems to demonstrate commensurately robust procedures for addressing settlement disruptions, including, in some cases, meeting the Lamfalussy Minimum Standards for multilateral netting systems, discussed below under *Systemic risk*.³

(1) *Credit risk*. Risk factors: A multilateral settlement system would give rise to material credit risk if its rules or practices materially increase or shift the bilateral obligations or credit exposures between participants in the clearing and settlement process. One example is a clearinghouse operator or agent that provides a guarantee of settlement. Such a guarantee might be implemented explicitly through the establishment of a central counterparty for all transactions, or through other provisions in the system's rules, such as a guarantee of members' settlement obligations, third-party credit

arrangements, or the system's ability to recover settlement-related losses from participants. Additionally, a system in which participants are exposed to material credit risk to one another by virtue of their participation in the system, due for example, to agreements to mutualize any settlement losses, would be considered to give rise to material credit risk if participants have no means to control these exposures.

Threshold criteria: Multilateral settlement systems in which underlying bilateral obligations between participants are not altered, such as those that do not employ settlement guarantees, loss-sharing, or other techniques, would not give rise to additional material credit risk. Thus, most traditional check clearinghouses would not be considered to give rise to credit risk under this policy statement.

Risk management measures: Measures that are commonly used to mitigate credit risk in a multilateral settlement system and provide support for settlement guarantees include monitoring of participants' financial condition, caps or limits on some or all participants' positions in the system, and requirements for collateral, margin, or other security from some or all participants. Systems in which participants have material bilateral exposures to one another or to the system, such as through loss-sharing agreements, may implement mechanisms for participants to control these exposures. Use of settlement methods with same-day finality may also shorten the duration of credit risk exposure in a system.

(2) *Liquidity risk*. Risk factors: A multilateral settlement system would give rise to significant liquidity risk for its participants if a delay, failure, or reversal of settlement would be likely to cause a significant change in settlement amounts to be paid or received by participants on the settlement date. The degree of liquidity risk in a particular system is greater (1) the larger are gross payment flows relative to netted amounts to be settled; (2) the larger are participants' settlement positions relative to their available funding resources; (3) the later that participants would be notified of a settlement disruption relative to the timing of activity in the money markets and through other funding channels, and (4) the greater the likelihood that a settlement failure of the particular system would be accompanied by abnormal market conditions.

Threshold criteria: The Board expects that participants in multilateral net settlement systems ordinarily would be able to fund their bilateral obligations in

³The *Report of the Committee on Interbank Netting Schemes of the Central Banks of the Group of Ten Countries* (Bank for International Settlements, November 1990), known as the Lamfalussy Report, recognized that netting arrangements for interbank payment orders and forward-value contractual commitments, such as foreign exchange contracts, have the potential to improve the efficiency and the stability of interbank settlements through the reduction of costs along with credit and liquidity risks, provided certain conditions are met. That Report developed and discussed "Minimum Standards for Netting Schemes" (Lamfalussy Minimum Standards) and "Principles for Co-operative Central Bank Oversight" of such arrangements. These standards have been adopted by the central banks of the G-10 and European Union countries.

² 12 USC 1861-67.

the event of a delayed or failed settlement where the netting factor for the system is 10 or less, provided settlement activity does not reach levels likely to raise systemic risk, as discussed under Systemic risk, below.⁴

Risk management measures: One approach to mitigating liquidity risk is to implement measures to reduce significantly both the probability and the effect of a settlement disruption. Measures that are often used to support a settlement guarantee, as described under Credit risk, above, as well as establishing external liquidity resources and adequate operational contingency arrangements may mitigate liquidity risk.

Some systems anticipate performing a recast of settlements in the event of a participant default by recalculating multilateral net settlement obligations among participants. These systems are expected to address the liquidity impact of such a procedure.⁵ For example, timely notification of settlement failure before or during the period of active money market trading would permit participants readily to borrow funds to cover any shortfalls due to the recast. Individual participants may also take steps to limit their own liquidity exposures or increase available liquidity resources. The system itself may utilize committed lines of credit or other external liquidity resources that can be drawn upon to complete settlements in the event of a temporary settlement disruption.

(3) Operational risk. Risk factors: Operational risks, such as those relating to the reliability and integrity of electronic data processing facilities used in the clearing and settlement process, are addressed in standard supervisory guidance for depository institutions and their service providers. Operational risk factors for purposes of this policy statement include those that could hinder the timely completion of settlement or the timely resolution of a settlement disruption in a multilateral settlement system. For example,

operational obstacles could make it difficult or impossible for participants to arrange settlement outside the system on a timely basis in the event of a settlement failure. As a result, those participants expecting to receive funds could face significant liquidity risk. In addition, in some cases, failure to complete settlement on a timely basis could change the rights of participants with respect to the underlying payments, creating potential credit or liquidity risks. For example, institutions that are unable either to return or to settle for checks presented to them on the same day may lose the right to return the checks for insufficient funds. Further, risk control procedures implemented by a particular system may themselves entail operational risks. The ability of a system to execute a recast of settlements, implement guarantee provisions, or access lines of credit may depend on the operational reliability of the system's facilities.

Threshold criteria: In smaller multilateral settlement systems, it is less likely that operational complexities or constraints would prevent the resolution of a participant default or other settlement disruption, provided that participants receive notice of a settlement failure with adequate time to make alternative arrangements before the closing of funds transfer systems. Thus, the Board does not consider systems with less than one hundred participants that normally settle sufficiently early in the day to raise material operational risks.

Risk management measures: Multilateral settlement systems and their participants typically mitigate the risk of operational failure in their daily processing activities through standard techniques, such as contingency plans, redundant systems, and backup facilities. For purposes of this policy statement, systems should ensure the reliable operational capability to execute procedures used to resolve a participant default or other settlement disruption as well as to implement other risk management measures. For example, if a system anticipates recasting settlements by excluding transactions of a defaulting participant, it should ensure that the system can perform any required processing, generate the necessary information, and provide it to participants in a timely manner. To the extent that payments would be expected to be settled outside the system, participants should have adequate time, settlement information, and operational capabilities to complete such settlements before the close of critical funds transfer systems.

(4) Legal risk. Risk factors: Legal risk may exist in a multilateral settlement system if there is significant uncertainty regarding the legal status of settlement obligations or the underlying transactions in the event of a settlement failure. This legal uncertainty would greatly exacerbate efforts to achieve an orderly and timely resolution and could expose participants to credit and liquidity risks. If the obligations of participants with respect to underlying transactions exchanged in the system have no enforceable legal status in the event of a system settlement failure, the ability of the participants to revert to other methods of settlement on a timely basis may be in doubt. Legal risk would also arise if the legal enforceability of any risk management measures, netting agreements, or related arrangements, is questionable.

Threshold criteria: Systems that clear and settle payments that are supported by a well established legal framework that is independent of the particular settlement system are unlikely to give rise to significant legal risk.

Risk management measures: Systems may be able to address legal risk factors through changes to operating rules or other agreements between participants. Rules and related agreements may provide an adequate legal basis for enforceable netting of obligations or for other arrangements that would be invoked in the event of a settlement failure, such as unwind or reversal provisions.

(5) Systemic risk. Risk factors: For some multilateral settlement systems, settlement risk factors could have systemic implications. The failure of a multilateral settlement system to complete settlement as and when expected could generate unexpected credit losses or liquidity shortfalls that participants in the system are not able to absorb, or disrupt a large number of payments. In general, the larger the size of settlement activity in a multilateral settlement system, the greater the potential for systemic risk.

Threshold criteria: The Board considers as posing systemic risk multilateral settlement systems that have, or that expect to have, on any day, settlements with a system-wide aggregate value of net settlement credits (or debits) larger than \$500 million (in U.S. dollars and any foreign currencies combined), or that clear and settle payments or foreign exchange contracts with a daily average stated dollar value larger than \$100,000 (calculated over a twelve month period corresponding to the most recent fiscal year for the netting system). Multilateral settlement systems of any size that serve core

⁴The netting factor, calculated as the ratio of gross transactions exchanged in a particular period to the resulting multilateral net amounts (aggregate net debits or net credits) settled, is one indicator of the magnitude of the change in positions if all multilateral net settlement obligations had to be settled on a gross basis.

⁵For example, in a "recast" of settlements, some or all transactions involving the defaulting participant would be removed from the system's settlement process, to be settled or otherwise resolved outside the system. A revised multilateral settlement with recalculated settlement obligations would then be conducted among the remaining participants. In an "unwind," transactions or settlement obligations to be settled on the day of the default for all participants would be removed from the system.

financial markets may also be considered to pose systemic risk.

Risk management measures: Systems posing systemic risk as defined above are expected to adopt more robust risk management policies and procedures addressing participant defaults and other settlement disruptions and to demonstrate that they are able to execute these procedures. In order to determine the adequacy of risk management controls, systems may need to establish a capability to simulate or test the effects of one or more participant defaults or other possible sources of settlement disruption on the system and its participants.⁶

Systems with activity exceeding the systemic risk thresholds, and for which there is no feasible or reasonable alternative to settlement of all positions within the system as and when expected due to credit, liquidity, or operational risks, are expected to meet the six Lamfalussy Minimum Standards, below. These standards are designed to address the main risk factors that may be present in multilateral clearing and settlement systems and to provide confidence that such systems can settle all positions as and when expected, thereby reducing substantially the risk that a default by one participant will cause defaults by others.

Lamfalussy Minimum Standards for the Design and Operation of Privately Operated Large-Dollar Multilateral Netting Systems⁷

1. Netting systems should have a well-founded legal basis under all relevant jurisdictions.

2. Netting system participants should have a clear understanding of the impact of the particular system on each of the financial risks affected by the netting process.

3. Multilateral netting systems should have clearly-defined procedures for the management of credit risks and liquidity risks which specify the respective responsibilities of the netting provider and the participants. These procedures should also ensure that all parties have both the incentives and the capabilities to manage and contain each of the risks they bear and that limits are placed on the maximum level of credit exposure that can be produced by each participant.

4. Multilateral netting systems should, at a minimum, be capable of ensuring

the timely completion of daily settlements in the event of an inability to settle by the participant with the largest single net debit position.

5. Multilateral netting systems should have objective and publicly-disclosed criteria for admission which permit fair and open access.

6. All netting systems should ensure the operational reliability of technical systems and the availability of backup facilities capable of completing daily processing requirements.

In meeting these standards, the Board expects that systems will utilize the following risk management measures, or their equivalent: (1) To the extent that participants are exposed to credit and liquidity risks from other participants, require each participant to establish bilateral net credit limits vis-à-vis each other participant in the system; (2) establish and monitor in real-time system-specific net debit limits for each participant; (3) establish real-time controls to reject or hold any payment or foreign exchange contract that would cause a participant's position to exceed the relevant bilateral and net debit limits; (4) establish liquidity resources, such as cash, committed lines of credit secured by collateral, or a combination thereof, at least equal to the largest single net debit position; and (5) establish rules and procedures for the sharing of credit losses among the participants in the netting system.⁸ The Board will consider, on a case-by-case basis, alternative risk management measures that provide for an equivalent level of risk management controls for systems in which real-time risk controls are not operationally feasible. However, the Board strongly encourages systems that perform sequential processing of payments or other obligations to develop real-time risk management controls. The Board may also encourage or require higher risk standards, such as the ability to ensure timely multilateral net settlement in the event of multiple defaults, of individual systems that present a potentially high degree of systemic risk, by virtue of their high volume of large-value transactions or central role in the operation of the financial markets.

Offshore Systems

The Board has a long-standing concern that steps taken to reduce systemic risk in U.S. large-dollar payments systems may induce the further development of multilateral

systems for settling U.S. dollar payments that are operated outside the United States. Such systems, if implemented with inadequate attention to risk management, may increase risks to the international banking and financial system. In addition, offshore arrangements have the potential to operate without sufficient official oversight.

As a result, the Board has determined that offshore, large-dollar multilateral netting systems and multicurrency clearing and settlement systems should at a minimum be subject to oversight or supervision, as a system, by the Federal Reserve, or by another relevant central bank or supervisory authority. The Board recognizes that central banks have common policy objectives with respect to large-value clearing and settlement arrangements. Accordingly, the Board expects that it will cooperate, as necessary, with other central banks and foreign banking supervisors in the application of the Lamfalussy Minimum Standards to offshore and multicurrency systems. In this regard, the Principles for Co-operative Central Bank Oversight outlined in the Lamfalussy Report provide an important international framework for cooperation.

By order of the Board of Governors of the Federal Reserve System, November 6, 1997.

William W. Wiles,

Secretary of the Board.

Appendix

Example #1

A local or regional check clearinghouse with less than 100 members that settles sufficiently early in the day to allow settlement disruptions to be resolved on a timely basis would typically not give rise to risks addressed under this policy statement. Generally, such arrangements do not guarantee settlement, mutualize losses, or involve a central counterparty to all transactions, and therefore the settlement arrangement itself does not give rise to added or shifted credit risk for participants. In addition, the liquidity risks of such arrangements generally are low, with netting factors of less than 10, so that liquidity shortfalls due to a disruption in settlement are likely to be within the funding capabilities of participants. From an operational standpoint, these arrangements usually exchange checks in the morning. If prompt notice is given of a recast of settlements at that time, participants should be able to meet their recast settlement obligations, settle any payments excluded from the system bilaterally as necessary, and manage any liquidity shortfalls. Similarly, the existence of established check law would satisfy any legal concerns. Finally, such check clearing arrangements generally do not have aggregate net settlement credits (or debits) larger than \$500 million per day, nor do the checks cleared through such

⁶ Such simulations may include, if appropriate, the effects of changes in market prices, volatilities, or other factors.

⁷ The minimum standards adopted by the Board are identical to those set out in the Lamfalussy Report, with minor changes to terminology.

⁸ The term "largest single net debit position" means the largest intraday net debit position of any individual participant at any time during the daily operating hours of the netting system.

arrangements have a daily average dollar value larger than \$100,000, so the arrangements would not be considered to give rise to systemic risk.

Example #2

An ACH clearinghouse with more than 100 members, net settlement debits averaging less than \$500 million per day, and a netting factor of five would not be considered to raise significant credit, liquidity, or systemic risks. Such a system would likely not involve settlement guarantees or mutualization of losses, and without high netting factors or similar concerns, it would not be likely to lead to significant liquidity risks. Given the large number of participants, it is unlikely that participants would be able to resolve a settlement failure among themselves without prior coordinated procedures. The system would need to have reliable operational procedures to resolve a settlement failure in a timely manner on the settlement date, such as through a recast of settlements. The rules of the system would need to specify settlement failure procedures, including those for identifying and reversing non-settled entries under applicable rules.

Example #3

A foreign exchange clearinghouse that clears and settles contracts that average more than \$100,000 through a central counterparty arrangement would be required to address potential credit, liquidity, and legal risks, as well as systemic risks. Netting and novation of transactions, for example, would shift credit risk to the central counterparty. Legal risk could exist if the arrangements to implement the netting of underlying foreign exchange contracts could be invalidated or ineffective in the event of bankruptcy of the central counterparty. Given that the arrangement exceeds or plans to exceed the base criteria for potential systemic risk, and serves a key financial market, it would be required to implement robust risk controls and fully meet the Lamfalussy Minimum Standards.

[FR Doc. 97-29760 Filed 11-10-97; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Meeting of the National Advisory Council for Health Care Policy, Research, and Evaluation

AGENCY: Agency for Health Care Policy and Research, HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Health Care Policy, Research, and Evaluation.

DATES: The meeting will be held on Friday, November 21, 1997 from 9:00 a.m. to 4:00 p.m.

ADDRESSES: The meeting will be held at the DoubleTree Hotel, 1750 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Nancy Foster, Coordinator of the Advisory Council at the Agency for Health Care Policy and Research, 2101 East Jefferson Street, Suite 502, Rockville, Maryland 20852, (301) 594-1349 ext. 1307.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Linda Reeves, Assistant Administrator for Equal Opportunity, AHCPH, on (301) 594-6665 ext. 1055 no later than November 14, 1997.

SUPPLEMENTARY INFORMATION:

I. Purpose

Section 921 of the Public Health Service Act (42 U.S.C. 299c) establishes the National Advisory Council for Health Care Policy, Research, and Evaluation. The Council provides advice to the Secretary and the administrator, Agency for Health Care Policy and Research (AHCPH), on matters related to AHCPH activities to enhance the quality, appropriateness, and effectiveness of health care services and access to such services through scientific research and the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services.

The Council is composed of members of the public appointed by the Secretary and Federal ex-officio members. The Council will be chaired by Harold S. Luft, Ph.D.

II. Agenda

On Friday, November 21, 1997, the meeting will begin at 9:00 a.m., with the call to order by the Council Chairman. The Administrator, AHCPH, will update the status of current Agency programs and initiatives. The Council will then discuss strategic directions for the Agency, how the Agency can most productively advance outcomes research, and the U.S. Preventive Services Task Force.

The meeting will adjourn at 4:00 p.m. Agenda items are subject to change as priorities dictate.

Dated: November 3, 1997.

John M. Eisenberg,
Administrator.

[FR Doc. 97-29660 Filed 11-10-97; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N-0438]

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on Form FDA 3397, User Fee Cover Sheet that must be submitted along with certain drug and biologic product applications and supplements.

DATES: Submit written comments on the collection of information by January 12, 1998.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4659. **SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement

of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques,

when appropriate, and other forms of information technology.

User Fee Cover Sheet; Form FDA 3397—(OMB Control Number 0910-0297)—Reinstatement

Under sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g and 379h), FDA has the authority to assess and collect user fees for certain drug and biologic product applications and supplements. Under this authority, pharmaceutical companies pay a fee for each new drug application, biologic product license application, biologic license application, or supplement submitted for review. Because the submission of user fees concurrently with applications and supplements is required, review of an application cannot begin until the fee is submitted. Form FDA 3397 is the user fee cover sheet, which is designed to

provide the minimum necessary information to determine whether a fee is required for review of an application, to determine the amount of the fee required, and to account for and track user fees. The form provides a cross-reference of the fee submitted for an application with the actual application by utilizing a unique number tracking system. The information collected is used by FDA, Center for Drug Evaluation and Research (CDER), and Center for Biologics Evaluation and Research (CBER) to initiate the administrative screening of new drug applications, new biologic product license applications, and supplemental applications.

Respondents to this collection of information are drug and biologic product applicants.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN

Form	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
FDA 3397	200	9.44	1,888	.15	283

There are no capital costs or operating and maintenance costs associated with this collection.

Based on the agency's experience of 4 years, FDA estimates there are approximately 200 manufacturers of products subject to Prescription Drug User Fee Act. Of the 200 manufacturers, CDER estimates 141 are drug manufacturers and CBER estimates 59 are biologics manufacturers. CDER estimates 1,721 annual responses that include the following: 125 new drug applications, 1,098 chemistry supplements, 400 labeling supplements, and 98 efficacy supplements. CBER estimates 167 annual responses that include the following: 157 annual product supplements, and 10 original license applications.

Dated: November 3, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97-29710 Filed 11-10-97; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N-0436]

Bottled Water Study: Feasibility of Appropriate Methods of Informing Customers of the Contents of Bottled Water; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting public comment on what are feasible methods for providing people who purchase bottled water with information about the contents of that bottled water and on what information should be provided. FDA will consider the information that it receives in response to this notice in conducting a study of the feasibility of appropriate methods, if any, for informing customers about the contents of bottled water. FDA is required to conduct the feasibility study under the Safe Drinking Water Act Amendments of 1996 (SDWA Amendments).

DATES: Written comments by December 12, 1997.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Kim, Center for Food Safety and Applied Nutrition (HFS-306), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-260-0631.

SUPPLEMENTARY INFORMATION:

I. Background

On August 6, 1996, Congress passed, and the President signed into law, the SDWA Amendments (Pub. L. 104-182). Under the SDWA Amendments' Public Notification (section 114) provisions designed to further public awareness about the quality of their drinking water, section 114(a) mandates that, not later than 24 months after the date of enactment of this law, the Environmental Protection Agency (EPA) issue regulations requiring community water systems to provide their customers with an annual report, referred to as a consumer confidence report (CCR), that contains information on the level of contaminants in drinking water purveyed by the systems.

Parallel to this requirement, section 114(b) of the SDWA Amendments requires that not later than 18 months after the date of its enactment, FDA in

consultation with EPA publish for notice and comment a draft study on the feasibility of appropriate methods, if any, of informing customers of the contents of bottled water. A final study is to be published not later than 30 months after the date of enactment of the SDWA Amendments.

II. Procedure for the Feasibility Study

In carrying out the provisions of section 114(b) of the SDWA Amendments, FDA intends to: (1) Solicit through this notice information on appropriate methods, if any, that are feasible for conveying information about the contents of bottled water to customers; (2) evaluate the information received to tentatively identify the appropriate methods, if any, that are feasible for conveying information about the contents of bottled water to people who purchase that bottled water; (3) publish for notice and comment a draft feasibility study report in which the agency will present its tentative findings; and (4) consider the comments the agency receives on the draft feasibility study report and publish a final report on the feasibility of appropriate methods, if any, for providing information about the contents of bottled water to customers.

In this notice, FDA is soliciting information that it will use in conducting the feasibility study. FDA is requesting comments about: (1) The methods, if any, that may be appropriate, and why they are appropriate, for conveying information about the contents of bottled water to consumers; (2) whether any appropriate method is feasible as a means of providing information about the contents of bottled water to customers, and the supporting reasons for why the method is feasible; and (3) the type of information about the contents of bottled water that should be provided within the context of the SDWA Amendments.

FDA considers this solicitation of information through this **Federal Register** notice to be the most effective means of obtaining information from all segments of the general public (i.e., industries, trade associations, consumers, consumer advocacy groups, educational institutions) that are interested in the subject of feasibility of appropriate methods of providing information about the contents of bottled water to customers. FDA thus deems this approach to be the most appropriate means of obtaining sufficient and pertinent information from stakeholders for conducting the feasibility study as required by the SDWA Amendments.

III. Request for Information

A. Methods for Conveying Information to Customers

FDA requests comments on what methods, if any, are appropriate for conveying to customers information about the contents of bottled water. FDA also requests for any method identified that the comment state why that method is appropriate for communicating information about the contents of bottled water to people who purchase that product.

For example, for bottled waters that are sold at retail (e.g., grocery stores), comments may wish to address whether it would be appropriate to provide the information directly on the product's label or through an address or a toll-free telephone number on the product's label that customers can write to or call to obtain the information. In the latter instance, would it be appropriate for bottlers to operate a menu driven system for callers to directly access the information? Would it be appropriate for bottlers to take the name and address of the caller and mail the information in the form of a pamphlet, for example? Comments should provide the reasons why any method identified is appropriate.

Noting that the SDWA Amendments require community water systems to mail their annual CCR to customers, comments may wish to address whether it is appropriate for firms that deliver bottled water to customer's homes, office buildings, schools, and hospitals to mail the information to the customer along with the invoice that they normally provide. Why would providing the information in this manner be considered appropriate?

Recognizing the increasing prominence of the Internet as a source of public information, comments may wish to address whether it is appropriate for firms to provide information about bottled water to customers over the Internet. Again, why would this method be deemed appropriate?

FDA also requests comments about other methods that are appropriate for conveying information to customers about the contents of bottled water, and why they are appropriate.

B. Feasibility of Appropriate Methods

For each method identified as being appropriate for conveying information to customers about the contents of bottled water, FDA also requests information on whether the provision of information by such method is feasible, i.e., "capable of being done or carried out" (Webster's Third New International

Dictionary, 1976). Thus persons who believe that an appropriate method is feasible for a stated purpose should state why the provision of information by that method can be done or carried out, i.e., is feasible. Likewise, interested persons who believe that an appropriate method is not feasible should state why the provision of information by that method cannot be done or carried out. Comments should address the costs to bottlers and all other relevant factors that support the position they take with respect to the feasibility of the method in question.

For example, those who comment on the possibility of providing information directly on a product's label should address the feasibility of doing so in light of the obvious concern about the limited label space available on a bottled water product. Is it feasible to provide the subject information directly on the label of a bottled water product notwithstanding the limited label space, or is the limited label space such a significant obstacle that use of a product's label would not be feasible?

Again, by way of example, comments that address providing the information on the Internet should address feasibility with respect to the cost of establishing and maintaining an Internet site, particularly for small firms.

C. Information on the Contents of Bottled Water

FDA requests comments on the type of information about the contents of bottled water that should be provided to convey to customers, to the extent possible, information analogous to that provided in a CCR. In this regard, FDA notes that a CCR must contain: (1) Information about the source of the drinking water purveyed by the system; (2) definitions for the terms "maximum contaminant level goal" (MCLG), "maximum contaminant level" (MCL), "variances," and "exemptions;" (3) the MCLG, MCL, and the actual level found for contaminants detected in the water and, for any contaminants detected that violated the MCL during the year, information on the health effects that led EPA to regulate that contaminant; (4) information on compliance with EPA's National Primary Drinking Water Regulations, and notice if the system is operating under a variance or an exemption and the basis on which the variance or exemption was granted; (5) information on the levels of unregulated contaminants for which monitoring by the system is required (including levels of cryptosporidium and radon where States determine that they may be found); and (6) a statement that the presence of contaminants in drinking

water does not necessarily indicate that the drinking water poses a health risk, and that more information about contaminants and potential health effects can be obtained by calling the EPA hotline.

What type of information about the contents of bottled water could be provided that would be analogous to the previously described information required in a CCR? For example, because FDA establishes "allowable levels" and not MCL's for contaminants in bottled water, would providing information describing the term "allowable level" as established in FDA's quality standard regulation for bottled water be analogous to the provision of information about MCL's required in a CCR? Also, by way of an example, for information concerning MCLG's, variances, exemptions that are required in a CCR, are there similar or analogous types of information with respect to bottled water that could be provided to customers?

IV. Comments

Interested persons may, on or before December 12, 1997, submit to the Dockets Management Branch (address above) written comments regarding this document. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 3, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97-29655 Filed 11-10-97; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; NLM Online Application Packet

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the National Library of Medicine (NLM), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal**

Register on July 10, 1997, page number 37068, and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

PROPOSED COLLECTION: Title: NLM Online Application Packet. Type of Information Collection Request: Extension of OMB No. 0925-0223. Expires 11/30/97. Need and Use of Information Collection: The NLM uses the information provided by individuals and institutions for MEDLARS online system user code assignments and invoices for system use. Frequency of Response: On occasion. Affected Public: Individuals or households; businesses or other for profit; State or local governments; Federal agencies; Non-profit institutions; Small businesses or organizations. Type of Respondents: Organizations, Health Care Providers, Students. The annual reporting burden is as follows: Estimated Number of Respondents annually: 2,640. Estimated Number of Responses per Respondent: 1; Average Burden Hours Per Response: 0.0833 hours; and Estimated Total Annual Burden Hours Requested: 219. The annualized cost to respondents is estimated at: \$11,383. There are no capital costs to report. There are no operating or maintenance costs to report.

REQUEST FOR COMMENTS: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

DIRECT COMMENTS TO OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response

time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, D.C. 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Carolyn Tilley, Head, Medlars Management Section, BSD, LO, NLM, NIH, Building 38A, Room 4N-04, 8600 Rockville Pike, Bethesda, MD 20894, or call non-toll free number (301) 402-1076 or E-mail your request, including your address to: carolyn_tilley@ccmail.nlm.nih.gov.

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received on or before December 12, 1997.

Dated: November 3, 1997.

Donald C. Poppke,

Executive Officer, NLM.

[FR Doc. 97-29669 Filed 11-10-97; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the President's Cancer Panel.

This meeting will be open to the public as indicated below, with attendance by the public limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Linda Quick-Cameron, Committee Management Officer, National Cancer Institute, Executive Plaza North, Room 609, 6130 Executive Blvd., MSC 7410, Bethesda, MD 20892-7410 (301/496-5708). A summary of the meeting and the roster of committee members will be provided upon request. Other information pertaining to the meeting may be obtained from the contact person indicated below.

Committee Name: President's Cancer Panel.

Date: November 21, 1997.

Place: Moffitt Cancer Center, Research Center (Across from Cancer Center), 12902 Magnolia Drive, Tampa, FL 33612.

Open: 8:00 a.m. to Adjournment.

Agenda: Concerns of special populations in the National Cancer Program:

responsiveness of the health care system to the needs of special populations.

Contact Person: Maureen O. Wilson, Ph.D., Executive Secretary, National Cancer Institute, Building 31, Room 4A48, Bethesda, MD 20892, Telephone: (301) 496-1148.

Dated: November 3, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97-29672 Filed 11-10-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging, Amended Notice of Closed Meeting

Notice is hereby given of a change in the meeting of the National Institute on Aging Special Emphasis Panel, National Institute on Aging, November 17, 1997, Gateway Building, 7201 Wisconsin Avenue, Bethesda, Maryland which was published in the **Federal Register** on October 16, (Vol. 62, No. 200).

This committee was to have convened at 12:00 noon on November 17, but has been changed to 12:00 noon on December 2. The location remains the same.

As previously announced, this meeting is closed to the public.

Dated: November 4, 1997.

LaVerne Y. Stringfield,

Committee Management Office, NIH.

[FR Doc. 97-29664 Filed 11-10-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Name of SEP: National Institute on Aging Special Emphasis Panel Pathogenesis of sarcopenia and metabolic change in aging (Teleconference).

Date of Meeting: November 24, 1997.

Time of Meeting: 1:15 p.m. to adjournment.

Place of Meeting: National Institute on Aging, Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814.

Purpose/Agenda: To review and amended application.

Contact Person: Dr. William Kachadorian, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of

Health, Bethesda, Maryland 20892-9205, (301) 496-9666.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. (Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: November 4, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97-29665 Filed 11-10-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 13, 1997.

Time: 11 a.m.

Place: Parklawn, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Maureen L. Eister, Parklawn, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-3936.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 14, 1997.

Time: 5 p.m.

Place: Parklawn, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Maureen L. Eister, Parklawn, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-3936.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 17, 1997.

Time: 3 p.m.

Place: Parklawn, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Maureen L. Eister, Parklawn, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-3936.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 24, 1997.

Time: 1:30 p.m.

Place: Parklawn, Room 9C-26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Sheri L. Schwartzback, Parklawn, Room 9C-26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-4843.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: November 4, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97-29666 Filed 11-10-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 17, 1997.

Time: 2 p.m.

Place: Parklawn, Room 9C-26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Jean G. Noronha, Parklawn, Room 9C-26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 24, 1997.

Time: 2:30 p.m.

Place: Parklawn, Room 9C-26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Lawrence E. Chaitkin, Parklawn, Room 9C-26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-4843.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information

concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: November 4, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97-29667 Filed 11-10-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 13, 1997.

Time: 10:00 a.m.

Place: Parklawn Building, Room 9C-26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn, Room 9C-26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443-6470.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: November 4, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97-29668 Filed 11-10-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel meetings:

Name of SEP: ZDKI-GRB-6-J-3.

Date: December 9, 1997.

Time: 11:00 am.

Place: Room 6as-25E, Natcher Building, NIH (Telephone Conference Call).

Contact Person: Sharee Pepper, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6as-25E, National Institutes of Health, Bethesda, Maryland 20892-6600, Phone: (301) 594-7798.

Purpose/Agenda: To review and evaluate grant applications.

Name of SEP: ZDKI-GRB-4.

Date: December 12, 1997.

Time: 8:30 am.

Place: Doubletree Guest Suites, 1300 Concourse Drive, Linthicum, Maryland 21090.

Contact Person: William Elzinga, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6as-37A, National Institutes of Health, Bethesda, Maryland 20892-6600, Phone: (301) 594-8895.

These meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.847-849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: November 3, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97-29670 Filed 11-10-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental Research; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Dental Research Special Emphasis Panel (SEP) meetings:

Name of SEP: National Institute of Dental Research Special Emphasis Panel—Review of F32 grants (98-15).

Dates: December 2, 1997.

Time: 12:00 noon.

Place: Natcher Building, Rm. 4AN-44F, National Institutes of Health, Bethesda, MD 20892 (teleconference).

Contact Person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN-44F, Bethesda, MD 20892, (301) 594-2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Research Special Emphasis Panel—Review of R01 grant (98-17).

Dates: December 10, 1997.

Time: 12:00 noon.

Place: Natcher Building, Rm. 4AN-44F, National Institutes of Health, Bethesda, MD 20892 (teleconference).

Contact Person: Dr. Philip Washko, Scientist Review Administrator, 4500 Center Drive, Natcher Building, Room 4AN-44F, Bethesda, MD 20892, (301) 594-2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

These meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research)

Dated: November 3, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97-29671 Filed 11-10-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Environmental Health Sciences; Notice of Closed Meetings**

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Environmental Health Sciences Special Emphasis Panel (SEP) meetings:

Name of SEP: Environmental/Occupational Medicine Academic Awards (K07s) (Telephone Conference Call).

Date: November 12, 1997.

Time: 9:30 a.m.

Place: National Institute of Environmental Health Sciences, East Campus, Building 4401, Conference Room 3446, Research Triangle Park, NC 27709.

Contact Person: Dr. David Brown, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541-4964.

Purpose/Agenda: To review and evaluate grant applications.

This notice is being published less than fifteen days prior to this meeting due to the urgent need to meet timing limitations imposed by the grant/contract review and funding cycle.

Name of SEP: Center for the Evaluation of Risks to Human Reproduction.

Date: December 5, 1997.

Time: 9:00 a.m.

Place: National Institute of Environmental Health Sciences, East Campus, Building 4401, Conference Room 3446, Research Triangle Park, NC 27709.

Contact Person: Dr. David Brown, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541-4964.

Purpose/Agenda: To review and evaluate contract proposals.

These meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Grant applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. (Catalog of Federal Domestic Assistance Programs Nos. 93.113, Biological Response to Environmental Agents; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Resource and Manpower Development, National Institute of Health)

Dated: November 3, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97-29673 Filed 11-10-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institute of Health****Center for Scientific Review; Notice of Closed Meetings**

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: November 12, 1997.

Time: 12:30 p.m.

Place: NIH, Rockledge 2, Room 6164, Telephone Conference.

Contact Person: Dr. Kirsh Krishnan, Scientific Review Administrator, 6701 Rockledge Drive, Room 6164, Bethesda, Maryland 20892, (301) 435-1779.

Name of SEP: Behavioral and Neurosciences.

Date: November 19, 1997.

Time: 3:00 p.m.

Place: NIH, Rockledge 2, Room 5170, Telephone Conference.

Contact Person: Dr. Luigi Giacometti, Scientific Review Administrator, 6701 Rockledge Drive, Room 5170, Bethesda, Maryland 20892, (301) 435-1246.

Name of SEP: Chemistry and Related Sciences.

Date: November 19-20, 1997.

Time: 8:00 a.m.

Place: Holiday Inn, Chevy Chase, MD. *Contact Person:* Dr. Robert Manning, Scientific Review Administrator, 6701 Rockledge Drive, Room 4158, Bethesda, Maryland 20892, (301) 435-1723.

Name of SEP: Behavioral and Neurosciences.

Date: November 21, 1997.

Time: 9:00 a.m.

Place: Holiday Inn, Chevy Chase, MD. *Contact Person:* Dr. Kenneth Newrock, Scientific Review Administrator, 6701 Rockledge Drive, Room 5186, Bethesda, Maryland 20892 (301) 435-1252.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Purpose/Agenda: To review Small Business Innovation Research.

Name of SEP: Clinical Sciences.

Date: November 25, 1997.

Time: 9:00 a.m.

Place: Holiday Inn, Chevy Chase, MD. *Contact Person:* Dr. Nancy Shinowara, Scientific Review Administrator, 6701 Rockledge Drive, Room 5216, Bethesda, Maryland 20892, (301) 435-1173.

The meetings will be closed in accordance with the provisions set forth in sections 552(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the

discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 3, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97-29674 Filed 11-10-97; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4213-N-04]

Announcement of Funding Awards for the Historically Black Colleges and Universities Program, Fiscal Year 1997

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for the Historically Black Colleges and Universities (HBCUs) Program. This announcement contains the names and addresses of the awardees and the amount of the awards made available by HUD to provide assistance to the HBCUs.

FOR FURTHER INFORMATION CONTACT: Ms. Delores Pruden or Mr. John Simmons, Historically Black Colleges and Universities Program, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th St., S.W., Washington, DC 20410; telephone (202) 708-1590 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service toll-free at 1-800-877-8339. Information may also be obtained from a HUD field office, see Appendix A for names, addresses and telephone

numbers, or for general information, applicants can call Community Connections at 1-800-998-9999.

SUPPLEMENTARY INFORMATION: This program is authorized under section 107(b)(3) of the Housing and Community Development Act of 1974 (the 1974 Act) (42 U.S.C. 5307(b)(3)), which was added by section 105 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235). The program is governed by regulations contained in 24 CFR 570.400 and 570.404, and in 24 CFR part 570, subparts A, C, J, K, and O.

This notice announces FY 1997 funding of \$6.5 million to HBCUs to be used to stimulate economic and community development activities in the HBCUs' locality. The FY 1997 grantees announced in this Notice were selected for funding consistent with the provisions in the NOFA published in the **Federal Register** on May 12, 1997 (62 FR 26180).

The Catalog of Federal Domestic Assistance number for this program is 14.237.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the grantees and amounts of the awards in Appendix B.

Dated: November 5, 1997.

Kenneth C. Williams,
Deputy Assistant Secretary for Grant Programs, Community Planning and Development.

Appendix A—Community Planning and Development (CPD) Directors With Historically Black Colleges and Universities Located Within Their Jurisdiction

William H. Dirl, Beacon Ridge Tower, 600 Beacon Parkway West, Suite 300, Birmingham, AL 35209-3144, 205-290-7630
Bill Parsley, TCBY Tower, 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201-3488, 501-324-6375
John Perry, Richard B. Russell Federal Building, 75 Spring Street S.W., Atlanta, GA 30303-3388, 404-331-5139
Ben Cook, 601 West Broadway, PO Box 1044, Louisville, KY 40201-1044, 502-582-6142
Gregory Hamilton, Hale Boggs Federal Building, 501 Magazine Street, 9th Floor, New Orleans, LA 70130-3099, 504-589-7212
Joseph O'Connor, City Crescent Building, 10 South Howard Street, 5th Floor, Baltimore, MD 21201-2505, 410-962-2520

Jeanette Harris, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226-2592, 313-226-4343
Jeanie E. Smith, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, MS 39269-1016, 601-965-4765
James A. Cunningham, Robert A. Young Federal Building, 1222 Spruce Street, Third Floor, St. Louis, MO 63103-2818, 314-539-6524
Jorgelle Lawson, Acting, 200 North High Street, Columbus, OH 43215-2499, 614-469-6743
David Long, 500 West Main Street, Suite 400, Oklahoma City, OK 73102, 405-553-7571
Joyce Gaskins, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3380, 215-656-0624
Louis E. Bradley, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201-2480, 803-765-5564
Virginia Peck, John J. Duncan Federal Building, 710 Locust Street, Third Floor, Knoxville, TN 37902-2526, 423-545-4391
Katie Worsham, 1600 Throckmorton Street, PO Box 2905, Fort Worth, TX 76113-2905, 817-885-5483
John T. Maldonado, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207-4563, 210-475-6821
Joseph K. Aversano, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230-4920, 804-278-4539
Millicent C. Grant, Acting, 820 First Street NE, Suite 450, Washington, DC 20002-4205, 202-275-0994

Charles T. Ferebee, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407-3707, 910-547-4005
Angelo Castillo, Gables One Tower, 1320 South Dixie Highway, Coral Gables, FL 33146-2926, 305-662-4570
Carmen R. Caberra, New San Juan Office Building, 159 Carlos E. Chardon Avenue, San Juan, PR 00918-1804, 787-766-5576
James N. Nichol, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202-5121, 904-232-3587
Lynn B. Daniels, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222-2515, 412-644-2999

Appendix B—Funding Awards

Alabama

1. Dr. Delbert W. Baker, President, Oakwood College, Oakwood Road N.W., Huntsville, AL 35896, Phone: 205-726-7334, Fax: 205-726-8335

compu serve: shirley ihenacho 75374, 1134, Grant Amount: \$380,000
2. Dr. Ernest McNealy, President, Stillman College, 3706 Stillman Boulevard, P.O. Box 1430, Tuscaloosa, AL 35403, Phone: 205-366-8808, Fax: 205-758-0821, Grant Amount: \$400,000

Arkansas

3. Dr. William T. Keaton, President, Arkansas Baptist College, 1600 Bishop Street, Little Rock, AR 72202, Phone: 501-372-6883, Fax: 501-372-0321, Grant Amount: \$400,000

District of Columbia

4. Dr. H. Patrick Swygert, President, Howard University, 2400 6th Street, N.W., Washington, D.C., 20059, Phone: 202-806-2500, Fax: 202-806-5934, hp_swygert@capstone.howard.edu, Grant Amount: \$370,000

Florida

5. Dr. Frederick S. Humphries, President, Florida A&M University, 400 Lee Hall, Tallahassee, FL 32307, Phone: 904-599-3225, Fax: 904-561-2152, e-mail: fhumphries@crotaius.famu.edu, Grant Amount: \$350,000

Georgia

6. Dr. Samuel D. Jolly, Jr., President, Morris Brown College, 643 Martin Luther King, Jr., Drive, Atlanta, GA 30314, Phone: 404-220-0100, Fax: 404-659-4315, Grant Amount: \$400,000

Kentucky

7. Dr. Mary L. Smith, President, Kentucky State University, East Main Street, Room 201 Hume Hall, Frankfort, KY 40601, Phone: 502-227-6260, Fax: 502-227-6490, e-mail: msmith@gwmail.kysu.edu, Grant Amount: \$400,000

Louisiana

8. Dr. Leon Tarver, II, President, Southern University/A&M, College System, Baton Rouge, LA 70813, Phone: 504-771-4680, Fax: 504-771-5522, Grant Amount: \$330,000

Mississippi

9. Dr. James E. Lyons, Sr., President, Jackson State University, P.O. Box 17390, 1400 J.R. Lynch Street, Jackson, MS 39217, Phone: 601-968-2323, Fax: 601-968-2948, e-mail: jelyons@ccaix.jsums.edu Grant Amount: \$400,000
10. Dr. Joe A. Lee, President, Tougaloo College, 500 E. County Line Road, Tougaloo, MS 39174, Phone: 601-

977-7730, Fax: 601-977-7739, Grant Amount: \$400,000

North Carolina

11. Dr. Gloria R. Scott, President, Bennett College, 900 E. Washington Street, Greensboro, NC 27401, Phone: 910-370-8626, Fax: 910-272-7143, e-mail: gscott@bennett1.bennett.edu, Grant Amount: \$300,000
12. Dr. Mickey L. Burnim, Chancellor, Elizabeth City State University, P.O. Box 790, Elizabeth City, NC 27909, Phone: 919-335-3230, Fax: 919-335-3731, e-mail: burnimml@alpha.ecsu.edu, Grant Amount: \$393,000
13. Dr. Willis B. McLeod, Chancellor, Fayetteville State University, 1200 Murchinson Road, Fayetteville, NC 28301, Phone: 910-486-1141, Fax: 910-486-4732, Grant Amount: \$400,000
14. Dr. Bernard W. Franklin, President, St. Augustine's College, 1315 Oakwood Avenue, Raleigh, NC 27610, Phone: 919-516-4200, Fax: 919-828-0817, e-mail: bfranklin@fs1.st-aug.edu, Grant Amount: \$400,000
15. Dr. Alvin J. Schexnider, Chancellor, Winston-Salem State University, 601 Martin Luther King, Jr., Drive, Winston-Salem, NC 27110, Phone: 910-750-2041, Fax: 910-750-2049, e-mail: schexnidera@wssu1.adp.wssu.edu, Grant Amount: \$377,000

South Carolina

16. Dr. Leonard Dawson, President, Voorhees College, Denmark, SC 29042, Phone: 803-793-3544, Fax: 803-793-4584, e-mail: dawson@voorhees.edu, Grant Amount: \$400,000

Texas

17. Dr. Julius S. Scott, Jr., President, Wiley College, 711 Wiley Avenue, Marshall, TX 75670, Phone: 903-927-3300, Fax: 903-938-8100, Grant Amount: \$400,000

[FR Doc. 97-29750 Filed 11-10-97; 8:45 am]

BILLING CODE 4210-29-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-030-1430-00; NMNM 98531]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; New Mexico

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action; R&PP Act Classification.

SUMMARY: The following public land in Otero County, New Mexico has been examined and found suitable for classification for lease or conveyance to Otero County under the provision of the R&PP Act, as amended (43 U.S.C. 869 *et. seq.*). The land had been previously identified as suitable for disposal by sale under Section 203 and Section 209(b) of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2740; 43 U.S.C. 1713) at no less than the appraised fair market value. Otero County proposes to use the land for a road department.

T. 15 S., R. 10 E., NMPM
Section 34, Lot 11.

Containing 17.32 acres, more or less.

DATES: Comments regarding the proposed lease/conveyance or classification must be submitted on or before December 29, 1997.

ADDRESSES: Comments should be sent to the BLM, Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Lorraine J. Salas at the address above or at (505) 525-4388.

SUPPLEMENTARY INFORMATION: Lease or conveyance will be subject to the following terms, conditions, and reservations:

1. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.
2. A right-of-way for ditches and canals constructed by the authority of the United States.
3. All valid existing rights documented on the official public land records at the time of lease/patent issuance.
4. Upon determination by the authorized officer that the project has successfully been completed in accordance with the approved plan of development and management, the subject parcel will be conveyed. The mineral estate will be conveyed simultaneously pursuant to Section 209 of the Act of October 21, 1976 (43 U.S.C. 1719).
5. Subject to right-of-way NMLC066065 held by Plains Electric G&T Cooperative for the purpose of a 115 kV powerline.
6. Subject to right-of-way NMNM025146 held by the New Mexico State Highway Department for the purpose of a Federal Aid highway.
7. Subject to a 30-foot easement on the northwest corner of the parcel.
8. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal land and interests therein.

Detailed information concerning this action is available for review at the BLM, Las Cruces District, 1800 Marquess, Las Cruces, New Mexico. Upon publication of this notice in the **Federal Register**, the land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws. On or before December 29, 1997, interested persons may submit comments regarding the proposed lease/conveyance or classification of the land to the District Manager, Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico 88005. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a road department. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proposed administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a road department.

Dated: November 5, 1997.

Stephanie Hargrove,

Acting District Manager.

[FR Doc. 97-29709 Filed 11-10-97; 8:45 am]

BILLING CODE 4310-VC-P

DEPARTMENT OF JUSTICE

President's Advisory Board on Race; Meeting

ACTION: President's Advisory Board on Race; notice of meeting.

SUMMARY: The President's Advisory Board on Race will meet on November 19, 1997, in the Grand Ballroom of the Adele Stamp Student Union, Building 163, on Campus Drive at the University of Maryland, College Park, Maryland.

The meeting will start at 9:00 a.m. and end at approximately 3:30 p.m. The agenda will include a discussion of the degree and value of diversity in higher education. It also may include consideration of existing racial discrimination in various sectors of society. Expedited scheduling considerations for this meeting precluded the full notice period; however timely advance notice is being provided to allow for appropriate public review and comment.

The meeting will be open to the public on a first-come, first-seated basis. Interested persons are encouraged to attend. Members of the public may submit to the contact person, any time before or after the meeting, written statements to the Board. Written comments may be submitted by mail, telegram, or facsimile, and should contain the writer's name, address and commercial, government, or organizational affiliation, if any.

FOR FURTHER INFORMATION CONTACT: Comments or questions regarding this meeting may be directed to Randy Ayers, (202) 395-1010, or via facsimile, (202) 395-1020.

Dated: November 7, 1997.

Robert Wexler,
General Counsel.

[FR Doc. 97-29797 Filed 11-6-97; 4:55 pm]

BILLING CODE 4410-AR-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substance; Notice of Registration

By notice dated March 31, 1997, and published in the **Federal Register** on May 8, 1997, (62 FR 25209), Johnson Matthey, Inc., Custom Pharmaceuticals Department, 2003 Nolte Drive, West Deptford, New Jersey 08066, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Difenoxin (9168)	I
Methylphenidate (1724)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Thebaine (9333)	II
Alfentanil (9737)	II
Sufentanil (9740)	II

Drug	Schedule
Carfentanil (9743)	II
Fentanyl (9801)	II

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Johnson Matthey, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: October 24, 1997.

John H. King,

Deputy Assistant Administrator, Office of
Diversion Control, Drug Enforcement
Administration.

[FR Doc. 97-29645 Filed 11-10-97; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated May 12, 1997, and published in the **Federal Register** on June 13, 1997, (62 FR 32374), Radian International LLC, 8501 North Mopac Blvd., P.O. Box 201088, Austin, Texas 78720, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590)	I
Methaqualone (2565)	I
Alpha-Ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxy-methamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Codeine-N-oxide (9053)	I
Dihydromorphone (9145)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allyprodine (9602)	I
Alphacetylmethadol except Levo-Alphacetylmethadol (9603)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Hydromorphenol (9627)	I
Noracetylmethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815)	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831)	I
Alpha-Methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II

Drug	Schedule
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Livorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254) ..	II
Morphine (9300)	II
Levo-alphaacetylmethadol (9648) ..	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Radian International LLC to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: November 4, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97-29646 Filed 11-10-97; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Sunshine Act Meeting

[F.C.S.C. Meeting Notice No. 23-97]

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time: Monday, November 17, 1997, 9:30 a.m. to 5:00 p.m.

Subject Matter: (1) Hearings on the Record on Objections to Individual Proposed Decisions on Claims of Holocaust Survivors Against Germany; (2) Issuance of Individual Final Decisions on Claims of Holocaust Survivors Against Germany.

Status: Closed.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, N.W., Washington, DC. Requests

for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616-6988.

Dated at Washington, DC, November 7, 1997.

Judith H. Lock,

Administrative Officer.

[FR Doc. 97-29861 Filed 11-7-97; 12:25 pm]

BILLING CODE 4410-01-M

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Sunshine Act Meeting

[F.C.S.C. Meeting Notice No. 24-97]

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time: Monday, November 24, 1997, 9:30 a.m. to 5:00 p.m.

Subject Matter: (1) Oral Hearings and Hearings on the Record on Objections to Individual Proposed Decisions on Claims of Holocaust Survivors Against Germany; (2) Issuance of Individual Final Decisions on Claims of Holocaust Survivors Against Germany.

Status: Closed.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claim Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616-6988.

Dated at Washington DC, November 7, 1997.

Judith H. Lock,

Administrative Officer.

[FR Doc. 97-29862 Filed 11-7-97; 12:25 pm]

BILLING CODE 4410-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Revision of existing collection; Refugee/Asylee Relative Petition.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted this information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** on April 9, 1997, at 62 FR 17203, allowing for a 30-day public comment period. No comments were received by the Immigration and Naturalization Service.

Comments are encouraged and will be accepted for an additional "thirty days" until December 12, 1997. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to 202-395-7285.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan, 202-514-3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, 425 I Street, NW., Room 5307, Washington, DC 20536.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Refugee/Asylee Relative Petition.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-730. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The data collected on this form is used by the Service to determine eligibility for the requested benefit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 86,400 responses at 35 minutes (.583) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 50,371 annual burden hours.

If additional information is required contact: Mr. Robert Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, 1001 G Street, NW., Washington, DC 20530.

Dated: November 6, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97-29754 Filed 11-10-97; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Services

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that propose the destruction of records not previously authorized for disposal, or reduce the retention period

for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before December 29, 1997. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Civilian Appraisal Staff (NWRC), National Archives and Records Administration, 8601 Adelphi Road College Park, MD 20740-6001.

Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

FOR FURTHER INFORMATION CONTACT: Michael L. Miller, Director, Records Management Programs, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001, telephone (301) 713-7110.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their

disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Agriculture, Office of the Secretary of Agriculture, Modernization of Administrative Processes office (N1-16-97-1). Subject files related to the improvement of administrative processes.

2. Department of Commerce, Economic Development Administration (N1-378-97-1). Loan project case files, litigation case files, and other program records.

3. Department of Commerce, Patent and Trademark Office (N1-241-98-1). Electronic records of the OPBUDGET system, with related software and documentation.

4. Department of the Interior, Bureau of Land Management (N1-49-96-3). Records covering law enforcement, fire management and hazardous materials program files.

5. Department of Veterans Affairs (N1-15-97-6). Records relating to computer matching agreements.

6. National Archives and Records Administration (N2-318-97-2). Administrative and facilitative records relating to the production, inventorying, and delivery of notes and certificates accumulated by the Bureau of Engraving and Printing.

Dated: November 3, 1997.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 97-29636 Filed 11-10-97; 8:45 am]

BILLING CODE 7515-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

Florida Power Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Facility Operating License No. DPR 72, issued to the Florida Power Corporation, (FPC or the licensee), for operation of the Crystal River Nuclear generating Unit 3 (CR3) located in Citrus County, Florida.

The proposed amendment addresses the methodology for post-loss of coolant accident (LOCA) boron precipitation prevention for CR-3. FPC concludes

that the change in boron precipitation prevention methodology represents an unreviewed safety question (USQ) in that it involves a change in the previously NRC-approved methodologies by incorporating credit for hot leg nozzle gaps into its design and licensing basis as a qualified passive method for boron precipitation mitigation under certain scenarios. Therefore, this action requires NRC approval.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This LAR [license amendment request] addresses the methodology that will be used following a design basis LOCA to ensure that the boron concentration in the reactor vessel does not reach the solubility limit during long term cooling. This methodology utilizes systems and procedures that will be implemented following the previously evaluated accident (i.e., a LOCA). This proposed change does not result in any modifications to the plant or change in a procedure that is used prior to the postulated accident; therefore, these changes cannot result in an increase in the probability of an accident previously evaluated.

The methodology in this LAR will be implemented to ensure that boron precipitation, which may interfere with long term cooling, will not occur following a design basis LOCA. This methodology consists of systems and procedures to provide additional defense in depth that for varying plant conditions will prevent the boron concentration in the RV [reactor vessel] from reaching the boron solubility limits. Evaluations are provided in this submittal that conclude that these methods are effective.

By ensuring that boron solubility limits are not reached in the RV, the analyses for the ECCS [emergency core cooling system] that ensure adequate core cooling following a

design basis LOCA remain applicable. Therefore, the consequences of accidents previously evaluated are not increased and offsite dose consequences remain a small fraction of 10 CFR Part 100 limits.

2. Does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes reflect the methodology that will be used for CR-3 following a design basis accident to prevent a boron precipitation event, which previously has been evaluated. The proposed LAR does not involve any new accident initiators nor any modification to the plant nor a change in the operation of the plant prior to the postulated design basis LOCA. Therefore, the possibility of a new or different kind of accident is not created.

3. Does not involve a significant reduction in the margin of safety.

This change does not result in a reduction to the margin of safety for any accident. The proposed LAR ensures adequate defense in depth in that systems and procedures available following a design basis LOCA will prevent the precipitation of boron in the RV [reactor vessel] that could interfere with ECCS flow.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 12, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the

subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to R. Alexander Glenn, General Counsel, Florida Power Corporation, MAC-A5A, P. O. Box 14042, St. Petersburg, Florida 33733-4042, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 31, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida.

Dated at Rockville, Maryland, this 5th day of November 1997.

For the Nuclear Regulatory Commission.

L. Raghavan, Sr.,

*Project Manager, Project Directorate II-3,
Division of Reactor Projects—I/II, Office of
Nuclear Reactor Regulation.*

[FR Doc. 97-29714 Filed 97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

Florida Power Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory
Commission (the Commission) is

considering issuance of an amendment to Facility Operating License No. DPR 72, issued to the Florida Power Corporation (FPC or the licensee), for operation of the Crystal River Nuclear Generating Unit 3 (CR3) located in Citrus County, Florida.

The proposed amendment would revise the Operating License No. DPR-72, License Condition 2.C.(5) and delete the requirement for installation and testing of flow indicators in the emergency core cooling system (ECCS) to provide indication of 40 gallons per minute flow for boron dilution.

Approval of this amendment will also allow removal of the associated flow indicators, DH-45-FI and DH-46-FI, from the Crystal River 3 (CR3) Final Safety Analysis Report (FSAR). This **Federal Register** (FR) notice supersedes the previous notice 62 FR 43368 dated August 13, 1997 in its entirety.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This License Amendment Request removes the Operating License Condition that requires flow indication in the ECCS system for boron dilution. Under certain post-accident scenarios, boron dilution actions could be required following design basis LOCAs [loss-of-coolant-accidents] to ensure that boron precipitation does not occur within the reactor core. Since these methods involve post-accident conditions, they are not the initiators for any design basis accident. Removal of this requirement from the license condition does not involve a change in the Improved Technical Specifications. Since these instruments are no longer used for boron precipitation mitigation during a LOCA, abandonment or removal of flow indicators DH-45-FI and DH-46-FI does not increase the probability of an accident

because no previously evaluated accidents at CR-3 are initiated by DH-45-FI or DH-46-FI. Since DH-45-FI and DH-46-FI are attached to the outside of the DH [decay heat] System drop line and the Auxiliary Pressurizer Spray line, respectively, their removal will not change the design, material, or construction standards applicable to the DH System piping. Therefore, the removal of the requirement for this instrumentation does not increase the probability of an accident previously evaluated.

Removal of the requirement for the flow indicators does not change the effectiveness of the post-LOCA boron dilution capabilities at CR-3. Removal of DH-45-FI and DH-46-FI will not alter any assumptions made in evaluating the radiological consequences of any accident described in the FSAR nor will it affect any fission product barrier since the ECCS and containment systems will still perform to meet design requirements. Based on these conclusions, previously calculated 10 CFR [Code of Federal Regulations] Part 100 consequences have not changed as a result of this action.

2. Does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The flow indicators are external to the DH System piping. They do not penetrate any piping so their removal cannot create the possibility of a new or different kind of accident. The function of the valve position indicator on each valve in the active mitigation paths provide the operators with indication of valve open/close status. The indicators do not actuate any systems, structures, or components that are credited with accident mitigation. They can not initiate a new or different kind of accident. The boron precipitation mitigation methods are all implemented after the accident has occurred. None of the mitigative methods are required before an accident. The DH System drop line and the Auxiliary Pressurizer Spray are used during the course of CR-3's normal operation. Those methods of operation have been evaluated in the development of previously approved licensing basis and found acceptable. Using these previously approved methods in these post-accident conditions, elimination of the subject license condition language, and the utilization of the boron dilution mitigation methods does not create the possibility of a new or different kind of design basis accident.

3. Does not involve a significant reduction in the margin of safety.

Mitigation of potential boron precipitation will be accomplished by a combination of active and passive methods already included in the CR-3 licensing basis. The margin of safety for being able to abate boron precipitation is improved through the utilization of multiple available options. Therefore, there is no reduction in the margin of safety as a result of not utilizing DH-45-FI and DH-46-FI.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the

amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 12, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman

Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner

must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to R. Alexander Glenn, General Counsel, Florida Power Corporation, MAC—A5A, P. O. Box 14042, St. Petersburg, Florida 33733-4042, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 31, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida.

Dated at Rockville, Maryland, this 5th day of November 1997.

For the Nuclear Regulatory Commission.
L. Raghavan, Sr.,
*Project Manager, Project Directorate II-3,
 Division of Reactor Projects—I/II, Office of
 Nuclear Reactor Regulation.*
 [FR Doc. 97-29715 Filed 11-10-97; 8:45 am]
 BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

Florida Power Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR 72, issued to the Florida Power Corporation, (FPC or the licensee), for operation of the Crystal River Nuclear Generating Unit 3 (CR3) located in Citrus County, Florida.

The proposed amendment involves a revision to the CR3 Technical Specifications (TS) relating to decay heat removal requirements in Mode 4. The proposed modification will revise the TS and associated Bases to require in Mode 4, one operable emergency feedwater (EFW) train and associated equipment, including the EFW tank, emergency feedwater initiation and control actuation instrumentation for EFW, post accident monitoring instrumentation, and the turbine bypass valves. Additionally, the TS and associated Bases would be revised to require in Mode 4, a low-pressure injection (LPI) train, dedicated to the borated water storage tank, and to reflect that the available loops for decay heat removal do not include this dedicated LPI train. Editorial changes would also be made to clarify the description of Mode 4 accidents requiring emergency core cooling system injection, and to revise the title of TS limiting condition for operation 3.7.5.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed ITS [Improved Technical Specifications] changes and operator actions involving mitigation of postulated Mode 4 LOCAs [loss-of-coolant-accidents] will not result in a significant increase in the probability of an accident previously evaluated. The initiators of any accident previously evaluated are not affected by the proposed ITS changes and operator actions involving mitigation of Mode 4 LOCAs. Consequently, there is no significant impact on any previously evaluated accident probabilities.

The proposed ITS changes and operator actions involving mitigation of Mode 4 LOCAs do not result in a significant increase in the consequences of any accidents previously evaluated. The proposed ITS changes, modifications and operator actions will not adversely affect the integrated ability of any system to perform its intended safety functions. Therefore, the combined ability of these components, systems and actions to mitigate the consequences of a Mode 4 LOCA will continue to be maintained. In fact, the collective impact of these ITS changes and operator actions improves the capability of CR-3 to mitigate Mode 4 LOCAs by requiring additional equipment operable in Mode 4, by reducing operator burden, and by decreasing the time to initiate LPI. The proposed ITS changes are either consistent with or exceed the original licensing and design basis for CR-3. In addition, the ITS changes and operator actions do not affect the onsite or offsite doses which remain well below 10 CFR Part 100 limits.

2. The proposed ITS changes and operator actions do not create the possibility of a new or different kind of accident from any accident previously evaluated. Since, the ITS changes and operator actions do not involve a different initiator for any accident previously evaluated, they also do not create any new kind of accident. Mitigation of Mode 4 LOCAs, utilizing manual actions, is already part of the CR-3 licensing basis. Manual operator actions necessary for the mitigation

of Mode 4 LOCAs are currently addressed or are being addressed in CR-3 procedures.

3. The proposed ITS changes and operator actions do not involve a significant reduction in the margin of safety for mitigation of Mode 4 LOCAs. In fact, the collective impact of the ITS changes and operator actions represent a[n] improvement in the overall margin of safety to a degree that exceeds the original plant design and licensing bases for mitigation of Mode 4 LOCAs by requiring additional equipment operable in Mode 4, by reducing operator burden, and by decreasing the time to initiate LPI. The proposed ITS changes are either consistent with or exceed the original licensing and design basis for CR-3.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document

Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 12, 1997 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended

petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention:

Rulemakings and Adjudications Staff may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to R. Alexander Glenn, General Counsel, Florida Power Corporation, MAC-A5A, P. O. Box 14042, St. Petersburg, Florida 33733-4042, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 31, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida.

Dated at Rockville, Maryland, this 5th day of November 1997.

For the Nuclear Regulatory Commission.

L. Raghavan, Sr.,

Project Manager, Project Directorate II-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.
[FR Doc. 97-29716 Filed 11-10-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of November 10, 17, 24, and December 1, 1997.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of November 10

There are no meetings the week of November 10.

Week of November 17—Tentative

Friday, November 21

11:30 a.m.—Affirmation Session (public meeting) (if needed)

Week of November 24—Tentative

There are no meetings the week of November 24.

Week of December 1—Tentative

There are no meetings the week of December 1.

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: Bill Hill (301) 415-1661.

The NRC Commission Meeting Schedule can be found on the Internet at:

<http://www.nrc.gov/SECY/smj/schedule.htm>

This notice is distributed by mail to several hundred subscribers: if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1661).

In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: November 6, 1997.

William M. Hill, Jr.,

Secy Tracking Officer, Office of the Secretary.
[FR Doc. 97-29885 Filed 11-17-97; 2:27 pm]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting: Notice of Application To Withdraw From Listing and Registration: (Brandywine Realty Trust, Common Shares of Beneficial Interest Par Value \$.01) File No. 1-9106

November 5, 1997.

Brandywine Realty Trust ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and

registration on the American Stock Exchange, Inc. ("Amex" or "Exchange").

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Company has complied with Rule 18 of the Amex by filing with such Exchange a certified copy of preambles and resolutions adopted by the Company's Board of Trustees authorizing the withdrawal of its Security from listing on the Amex and by setting forth in detail to such Exchange the reasons for such proposed withdrawal, and the facts in support thereof.

In making the decision to withdraw its Security from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its Security on the New York Stock Exchange ("NYSE") and the Amex. The Company does not see any particular advantage in the dual trading of its security and believes that dual listing would fragment the market for its security.

By letter dated October 8, 1997, the Exchange has informed the Company that it has no objection to the withdrawal of the Company's Security from listing on the Amex. Trading in the Security on the NYSE commenced on October 21, 1997 and concurrently therewith the Security were suspended from trading on the Amex.

Any interested person may, on or before November 28, 1997, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 97-29701 Filed 11-10-97; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-39292; File No. SR-CBOE-97-35]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 Thereto Relating to Trading Halts and Suspensions

November 3, 1997.

I. Introduction

On July 25, 1997, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to remove a requirement that a halt declared by Floor Officials may continue for only two consecutive days and to delete a requirement that a suspension must be declared by the CBOE's Board of Directors ("Board").

The proposed rule change was published for comment in the **Federal Register** on August 21, 1997.³ No comments were received on the proposal. On October 21, 1997, the CBOE submitted Amendment No. 1 to the proposed rule change.⁴ This order approves the proposed rule change and approves Amendment No. 1 on an accelerated basis.

II. Description of the Proposal

The purpose of the proposed rule change is to amend Rule 6.3 to remove the requirement that a halt declared by Floor Officials may continue for only two consecutive business days, to delete Rule 6.4 relating to the suspension of trading by the Exchange's Board, and to

make certain conforming amendments to Rules 21.12 and 23.8 and to Interpretation .02 of Rule 21.19.

Currently, pursuant to existing Rule 6.3, any two Floor Officials may halt trading in any security in the interests of a fair and orderly market for a period not in excess of two consecutive business days. Pursuant to existing Rule 6.4, the CBOE's Board may suspend trading in any security in the interests of a fair and orderly market. The Exchange believes that there is no practical difference between a halt in trading and a suspension in trading, except for the present two-day limit for a halt and the fact that a halt is declared by two Floor Officials and a suspension is declared by the Board. According to the CBOE, the same factors considered by its Board in deciding whether to "suspend" trading are considered by Floor Officials in deciding whether to "halt" trading. Rules 6.3 and 6.4 require, however, that trading may be stopped for more than two consecutive business days only if the Board acts to "suspend" trading.

The CBOE believes it is not necessary to require the Board to decide whether trading in an options class may be stopped for more than two consecutive business days. The Exchange believes that the participation of senior exchange officials is sufficient and that Board participation is unnecessary. The Exchange also believes that it is unduly cumbersome and often, impractical, to convene its Board on short notice just to decide whether trading in an options class may be stopped for more than two consecutive business days.

Pursuant to the proposed rule change, the duration of a halt declared by two Floor Officials pursuant to Rule 6.3 would not be limited to a particular number of days. Nonetheless, any halt exceeding two consecutive business days would require Floor Officials to consult with a designated senior Exchange official.⁵ Further, the proposal would require a decision to extend a trading halt beyond two consecutive business days to be reviewed at the next meeting of the Exchange's Floor Officials Committee.⁶ The proposed rule

change correspondingly would delete Rule 6.4, so that Board action no longer would be required before trading in an options class could be stopped for more than two consecutive business days. This proposed approach is consistent with the procedure for index options under Rule 24.7, where trading halts or suspensions are decided in consultation with senior Exchange officials and do not require action by the CBOE's Board.

In addition, the proposed rule change would make clear that trading may resume only upon a determination by two Floor Officials that such a resumption is in the interests of a fair and orderly market. Currently, Rule 6.3(b) allows trading to resume when two Floor Officials determine *either* that the conditions that led to the halt no longer are present *or* that a resumption of trading would serve the interests of a fair and orderly market. The Exchange believes that taken literally, the existing language would enable trading to resume if the conditions that led to the halt no longer are present, even if a resumption of trading would be contrary to the interests of a fair and orderly market, an interpretation that would conflict with the CBOE's practice and would be contrary to the policies under the Act.

Finally, the deletion of Rule 6.4 requires conforming deletions of certain non-substantive references to trading suspensions under Rule 6.4 that appear in Rule 21.12 and Interpretation .02 of Rule 21.19 (concerning government securities options) and in Rule 23.8 (concerning interest-rate option contracts).

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act⁷ and the rules and regulations thereunder applicable to a national securities exchange.⁸ The Commission believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act⁹ in that it is designed to perfect the mechanism of a free and open market and to protect investors and the public interest by allowing Floor Officials, in consultation with senior Exchange officials, to evaluate and to consider market conditions and circumstances and to halt trading for as long as

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 38937 (August 14, 1997), 62 FR 44500.

⁴ See Letter from Arthur B. Reinstein, Senior Attorney, CBOE, to Michael Walinskas, Senior Special Counsel, Division of Market Regulation, SEC, dated October 14, 1997 ("Amendment No. 1"). In Amendment No. 1, the CBOE revises the proposed rule change to require under Rule 6.3 that Floor Officials consult with a designated senior exchange official prior to halting trading in a security for more than two consecutive business days. In addition, in Amendment No. 1, the Exchange proposes to provide that any trading halt under Rule 6.3 that lasts more than two consecutive business days must be reviewed at the next regularly scheduled meeting of the Exchange's Floor Officials Committee, which is authorized to determine whether, in the interests of a fair and orderly market, to terminate or modify any such trading halt that is then still in effect.

⁵ See Amendment No. 1, *supra* note 4.

⁶ *Id.* Amendment No. 1 provides that the Floor Officials Committee will make a determination as to whether to terminate or modify any trading halt still in effect at the time of the Floor Officials Committee's next regularly scheduled meeting. It is the understanding of Commission staff that the Floor Officials Committee will review and discuss all trading halts with durations exceeding two consecutive business days regardless of whether trading has since resumed in the particular security. Telephone conversation on October 20, 1997 between Arthur B. Reinstein, Senior Attorney, the CBOE and Deborah L. Flynn, Attorney, Division of Market Regulation, SEC.

⁷ 15 U.S.C. 78f.

⁸ In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁹ 15 U.S.C. 78f(b)(5).

necessary in the interests of a fair and orderly market.

Specifically, the Commission believes that it is reasonable to declare a trading halt in a particular security for a period exceeding two consecutive business days without requiring the specific approval of a majority of the Exchange's Board. The Commission recognizes that it may be impractical to convene the Board each time a determination must be made as to whether to extend a trading halt in a particular security beyond two consecutive business days. The Commission notes that in eliminating the Board's participation in the decisionmaking process, the proposed rule change, as amended, does not provide unbridled discretion to the Exchange's Floor Officials to declare a trading halt of such duration. Instead, the Commission notes that the proposal, as amended, requires two procedures which the Commission believes will provide some assurances that a decision to halt trading in a security for longer than two consecutive business days will receive proper consideration. First, the Commission believes that the involvement of a senior Exchange official should ensure that the interests of all market participants are carefully considered in determining the propriety of a trading halt. Second, the review of each trading halt declared exceeding two consecutive business days by the Exchange's Floor Officials Committee should ensure that the CBOE's management structure remains apprised of the manner in which the proposed rules are applied. In the event that the Exchange's Floor Officials Committee determines that the rules are not being applied in an even-handed and fair manner, the Commission expects the Exchange to reevaluate the process and propose changes, as necessary.

The Commission finds good cause for approving proposed Amendment No. 1 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission notes that Amendment No. 1 further clarifies the process by which a determination is made to halt trading in a particular security for more than two consecutive business days. The Commission believes that requiring the consultation of a senior Exchange official and review by the Exchange's Floor Officials Committee clarifies the discretion granted to Floor Officials with respect to trading halts and raises no new regulatory issues. Accordingly, the Commission believes that it is consistent with Section 6(b)(5) of the Act¹⁰ to approve Amendment No. 1 to

CBOE's proposed rule change on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of all such filings will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to File No. SR-CBOE-97-35 and should be submitted by December 3, 1997.

V. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,¹¹ that the proposed rule change (SR-CBOE-97-35), including Amendment No. 1, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97-29700 Filed 11-10-97; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-39295; File No. SR-PCX-97-38]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Charges and Recommended Fines for Late SIPC Reports

November 4, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹, notice is hereby given that on

¹¹ 15 U.S.C. 78s(b)(2).

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1)(1994).

October 14, 1997, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I II and III below, which Items have been prepared by the PCX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to modify the late charges and recommended fines applicable to members' late filing of forms and assessments with the Exchange pursuant to the Securities Investor Protection Act of 1970 ("SIPA").² The text of the proposed rule change is below. Additions are italicized; deletions are bracketed.

Text of the Proposed Rule Change

Financial Reports

§3405

Rule 2.12(a)—(b)(1)—No change.

Rule 2.12(b)(2). Each member organization *for which the Exchange is the designated collection agent must* [shall] file with the Exchange such forms and assessments as are required pursuant to the Securities Investor Protection Act of 1970. Any member organization that fails to file such form or assessment in a timely manner *will* [shall] be subject to a late filing charge as follows:

Number of days late	Amount of charge
1-30	[\$200] \$100
31-60	[400] 200
61-90	[800] 300

Provided however: (A) If a member organization files its SIPC form and assessment after its receipt of SIPC's final late notice, but files within five business days after its receipt of SIPC's final late notice, such member organization *will* [shall] be subject to a fine pursuant to Rule 10.13; and (B) if a member organization fails to file its SIPC form and assessment within five business days after its receipt of SIPC's final late notice, such member organization *will* [shall] be subject to formal disciplinary action pursuant to Rule 10.3.

Commentary:

.01-.02—No change.

* * * * *

² 15 U.S.C. 78aaa-78111(1994).

¹⁰ 15 U.S.C. 78f(b)(5).

Minor Rule Plan

¶6133

Rule 10.13(a)—(j)—No change.

(k) Minor Rule Plan: Recommended

Fine Schedule

(i)—(ii)—No change.

(iii) Record Keeping and Other Minor Rule Violations

1. No change.

2. Failure to file a Securities Investors Protection Corporation form and assessment in a timely manner. (Rule 2.12(b))

[\$1,200.00]	[\$1,800.00]	[\$2,400.00]
\$500	\$1,000	\$1,500

3.–6. No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**(a) Purpose**

PCX Rule 2.12(b)(2) provides that each member organization is required to file with the Exchange such forms and assessments as are required pursuant to SIPA. Rule 2.12(b)(2) further provides that any member organization that fails to file such form or assessment will be subject to a late charge of \$200 if 1–30 days late; \$400 if 31–60 days late; and \$800 if 61–90 days late. The Exchange is proposing to reduce these charges to \$100, \$200 and \$300, respectively.

PCX Rule 2.12(b)(2) further provides that, if a member organization files its form and assessment after its receipt of the final late notice from the Securities Investor Protection Corporation ("SIPC"), but files within five business days after its receipt of SIPC's final late notice, such member organization will be subject to a fine pursuant to the Exchange's Minor Rule Plan.³ The current recommended fines for such violations are \$1,200 for a first violation, \$1,800 for a second violation and \$2,400

for a third violation.⁴ The Exchange is proposing to reduce these recommended fines to \$500, \$1,000 and \$1,500 for first, second and third violations, respectively.

(b) Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act, in general, and Section 6(b)(5) of the Act, in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest. The Exchange notes that the amounts of the charges and fines were originally based upon proposed fines and charges for late FOCUS Reports.⁵ However, after reconsidering the levels of these fines, the Exchange believes that the filing of late FOCUS reports raises more serious investor protection concerns and warrants a higher fine than the filing of late SIPC reports.

The Exchange also believes that the proposal is consistent with Section 6(b)(4) in that it provides for the equitable allocation of reasonable charges among its members and it is consistent with Section 6(b)(7) in that it provides a fair procedure for the disciplining of members. The late charges and fines applicable to late SIPC reports were adopted originally in 1992 and 1993, respectively.⁶ Since that time, the Exchange has reconsidered the levels of these recommended fines and has determined that the penalties are too severe for the violations at issue. The Exchange notes that SIPC has determined, for the years 1996 and 1997, to assess all of its members a flat minimum assessment of \$150 (rather than a percentage of net revenues). In that regard, the Exchange believes that a reduction in charges and recommended fines for lateness is warranted.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

⁴ PCX Rule 10.13(k)(iii)(2).

⁵ Securities Exchange Act Release No. 32510 (June 24, 1993) 58 FR 35491 (July 1, 1993) (order approving File No. SR-PSE-92-15).

⁶ Securities Exchange Act Release Nos. 33347 (December 15, 1993) 58 FR 67888 (December 22, 1993) (order approving File No. SR-PSE-93-21) (adopting late charges); and 32510 (June 24, 1993) 58 FR 35491 (July 1, 1993) (order approving File No. SR-PSE-92-15) (amending the Exchange's Minor Rule Plan and adopting recommended fines).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change establishes or changes a due, fee, or other charge imposed by the Exchange and therefore, has become effective on October 14, 1997, pursuant to Section 19(b)(3)(A)(ii)⁷ of the Act and Rule 19b-4(e)(2)⁸ thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for copying at the principal office of the PCX. All submissions should refer to File No. SR-PCX-97-38 and should be submitted by December 3, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97-29747 Filed 11-10-97; 8:45 am]

BILLING CODE 8010-01-M

⁷ 15 U.S.C. 78s(b)(3)(A)(ii) (1994).

⁸ 17 CFR 240.19b-4(e)(2) (1997).

⁹ 17 CFR 200.30-3(a)(12) (1997).

³ PCX rule 10.13(j)(2).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-39303; File No. SR-PCX-97-36]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the Pacific Exchange, Inc., Relating to Codifying Certain Requirements of the Telemarketing and Consumer Fraud and Abuse Prevention Act

November 5, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 9, 1997, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The PCX filed Amendment No. 1 to its proposed rule change on October 14, 1997,³ and Amendment No. 2 on October 23, 1997.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval of the proposed rule change, as amended.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its Rules in order to codify certain requirements of the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), which became law in August 1994.⁵ The text of the proposed rule change and Amendment Nos. 1 and 2 is available at the Office of the Secretary, PCX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Pursuant to the Telephone Consumer Protection Act ("TCPA"),⁶ the Exchange adopted in October 1996 a "cold call" rule to implement certain rules of the Federal Communications Commission ("FCC Rule")⁷ that require persons who engage in telephone solicitations to sell products and services ("telemarketers") to establish and maintain a list of persons who have requested that they not be contacted by the caller (a "do-not-call" list).⁸ Under the Telemarketing Act, the Federal Trade Commission adopted detailed regulations ("FTC Rules")⁹ to prohibit deceptive and

abusive telemarketing acts and practices; the regulations became effective on December 31, 1995.¹⁰ The FTC Rules, among other things, (i) require the maintenance of "do-not-call" lists and procedures, (ii) prohibit abusive, annoying, or harassing telemarketing calls, (iii) prohibit telemarketing calls before 8 a.m. or after 9 p.m., (iv) require a telemarketer to identify himself, the company he works for, and the purpose of the call, and (v) require express written authorization or other verifiable authorization from the customer before use of negotiable instruments called "demand drafts."¹¹

Under the Telemarketing Act, the SEC is required either to promulgate or to require the self-regulatory organizations ("SROs") to promulgate rules substantially similar to the FTC Rules, unless the SEC determines either that the rules are not necessary or appropriate for the protection of investors or the maintenance of orderly markets, or that existing federal securities laws or SEC rules already provide for such protection.¹² The

¹⁰ §§ 310.3-4 of FTC Rules.

¹¹ *Id.* Pursuant to the Telemarketing Act, the FTC Rules do not apply to brokers, dealers, and other securities industry professionals. Section 3(d)(2)(A) of the Telemarketing Act.

A "demand draft" is used to obtain funds from a customer's bank account without that person's signature on a negotiable instrument. The customer provides a potential payee with bank account information that permits the payee to create a piece of paper that will be processed like a check, including the words "signature on file" or "signature preapproved" in the location where the customer's signature normally appears.

¹² In response, the National Association of Securities Dealers ("NASD"), the Municipal Securities Rulemaking Board ("MSRB"), the New York Stock Exchange ("NYSE"), the American Stock Exchange ("Amex"), the Philadelphia Stock Exchange ("Phlx"), and the Chicago Board Options Exchange ("CBOE") have adopted rules to curb abusive telemarketing practices. See Securities Exchange Act Release Nos. 38009 (Dec. 2, 1996) 61 FR 65625 (Dec. 13, 1996) (order approving File No. SR-NASD-96-28); 38053 (Dec. 16, 1996) 61 FR 68078 (Dec. 26, 1996) (order approving File No. SR-MSRB-96-06); 38638 (May 14, 1997) 62 FR 27823 (May 21, 1997) (order approving File No. SR-NYSE-97-07); 38724 (June 6, 1997) 62 FR 32390 (June 13, 1997) (order approving File No. SR-Amex-97-17); 38875 (Jul. 25, 1997) 62 FR 41983 (Aug. 4, 1997) (order approving File No. SR-Phlx-97-18); and 39010 (Sep. 3, 1997) 62 FR 47712 (Sep. 10, 1997) (order approving File No. SR-CBOE-97-39).

The Commission has determined that the NASD Rule, MSRB Rule, the NYSE Rule, the Amex Rule, and the Phlx Rule, together with the Act and the Investment Advisers Act of 1940, the rules thereunder, and the other rules of the SROs, satisfy the requirements of the Telemarketing Act because the applicable provisions of such laws and rules are substantially similar to the FTC Rules except for those FTC Rules that involve areas already extensively regulated by existing securities laws or regulations or activities inapplicable to securities transactions. Securities Exchange Act Release No. 38480 (Apr. 7, 1996) 62 FR 18666 (Apr. 16, 1996).

Continued

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In Amendment No. 1, the PCX requested accelerated approval of its filing on the ground that the Commission has already approved similar filings of other Self-Regulatory Organizations. See Letter from Michael Pierson, Senior Attorney, Regulatory Policy, PCX, to Jerome Roche, Law Clerk, Division of Market Regulation, SEC, dated October 9, 1997.

⁴ In Amendment No. 2, the PCX narrowed the scope and applicability of PCX Rule 9.20(b). Additionally, the PCX amended Rule 9.23 to include "telemarketing scripts" within the definition of "sales literature." See Letter from Michael Pierson, Senior Attorney, Regulatory Policy, PCX, to Jerome Roche, Law Clerk, Division of Market Regulation, SEC, dated October 22, 1997.

⁵ 15 U.S.C. 6101-08.

⁶ 47 U.S.C. 227.

⁷ Pursuant to the TCPA, the FCC adopted rules in December 1992 that, among other things, (1) prohibit cold-calls to residential telephone customers before 8 a.m. or after 9 p.m. (location time at the called party's location) and (2) require persons or entities engaging in cold-calling to institute procedures for maintaining a "do-not-call" list that includes, at a minimum, (a) a written policy for maintaining the do-not-call list, (b) training personnel in the existence and use thereof, (c) recording a consumer's name and telephone number on the do-not-call list at the time the request not to receive calls is made, and retaining such information on the do-not call list for a period of at least ten years, and (d) requiring telephone solicitors to provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made and a telephone number or address at which such person or entity may be contacted. 57 FR 48333 (codified at 47 CFR 64.1200). With certain limited exceptions, the FCC Rule applies to all residential telephone solicitations, including those relating to securities transactions. *Id.* The term "telephone solicitation" refers to the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, other than with the called person's express invitation or permission, or to a person with whom the caller has an established business relationship, or by tax-exempt non-profit organization. *Id.*

⁸ Securities Exchange Act Release No. 37897 (October 30, 1996) 61 FR 57937 (November 8, 1996) (order approving File No. SR-PSE-96-32).

⁹ 16 CFR 310.

purpose of the proposed rule change is to amend PCX Rule 9.20 in response to the Commission's request that SROs promulgate rules substantially similar to applicable provisions of the FTC Rules adopted pursuant to the Telemarketing Act.

Time Limitations and Disclosure. The proposed rule change adds new Rule 9.20(b)(1) to prohibit a member or person associated with a member from making outbound telephone calls to a member of the public's residence for the purpose of soliciting the purchase of securities or related services at any time other than between 8 a.m. and 9 p.m. local time at the called person's location and to require, under proposed paragraph (b)(2) to Rule 9.20, such member or associated person to promptly disclose to the called person in a clear and conspicuous manner the caller's identity and firm, the telephone number or address at which the caller may be contacted, and that the purpose of the call is to solicit the purchase of securities or related services.

Proposed paragraph (b)(3) to Rule 9.20 creates exemptions from the time-of-day and disclosure requirements of paragraphs (1) and (2) for telephone calls by associated persons, or other associated persons acting at the direction of such persons for purposes of maintaining and servicing existing customers assigned to or under the control of the associated persons, to certain categories of "existing customers." Proposed paragraph (3) defines "existing customer" as a customer for whom the broker or dealer, or a clearing broker or dealer on behalf of the broker or dealer, carries an account. Proposed subparagraph (3)(A) exempts calls to an existing customer who, within the preceding twelve months, has effected a securities transaction in, or made a deposit of funds or securities into, an account under the control of or assigned to the associated person at the time of the transaction or deposit. Proposed subparagraph (3)(B) exempts calls to an existing customer who, at any time, has effected a securities transaction in, or made a deposit of funds or securities into, an account under the control of or assigned to such associated person at the time of the transaction or deposit, as long as the customer's account has earned interest or dividend income during the preceding twelve months.

Accordingly, the Commission has determined that no additional rulemaking is required by it under the Telemarketing Act. *Id.* Notwithstanding this determination, the Commission still expects the Boston Stock Exchange, the Cincinnati Stock Exchange, and the Chicago Exchange to file similar proposals.

Proposed subparagraph (3)(C) exempts telephone calls to a broker or dealer. the proposed rule change also expressly clarifies that the scope of this rule is limited to the telemarketing calls described herein; the terms of the Rule do not otherwise expressly or by implication impose on members any additional requirements with respect to the relationship between a member and a customer or between a person associated with a member and a customer.

Demand Draft Authorization and Recordkeeping. The proposed rule change adds Rule 9.20(d) to: (i) Prohibit a member or person associated with a member from obtaining from a customer or submitting for payment a check, draft, or other form of negotiable paper drawn on a customer's checking, savings, share, or similar account ("demand draft") without that person's express written authorization, which may include the customer's signature on the instrument; and (ii) require the retention of such authorization for a period of three years.

Telemarketing Scripts. The proposed rule change also amends the definition of "sales literature" contained in Rule 9.23 to include "telemarketing scripts" within that definition. This will require telemarketing scripts to be retained for a period of three years.

2. Statutory Basis

The Exchange believes that the basis under the Act for the proposed rule change is the requirement under Section 6(b)(5)¹³ that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.¹⁴

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ The Commission, however, received two comment letters on a NASD proposal (SR-NASD-96-28), which is substantially similar. See Letter from Brad N. Bernstein, Assistant Vice President and Senior Attorney, Merrill Lynch, to Jonathan G. Katz, Secretary, SEC, dated Aug. 19, 1996 ("Merrill Lynch Letter"), and Letter from Frances M. Stadler,

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR-PCX-97-36 and should be submitted by December 3, 1997.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5) of the Act¹⁵ which requires, among other things, that the rules of the exchange be designed to prevent further fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.¹⁶ The proposed rule change, as amended, is consistent with these objectives in that it imposes time restriction and disclosure requirements, with certain exceptions, on members' telemarketing calls, requires verifiable authorization from a customer for demand drafts, and prevents members from engaging in certain deceptive and abusive telemarketing acts and practices while

Associate Counsel, Investment Company Institute ("ICI"), to Jonathan G. Katz, Secretary, SEC, dated Aug. 21, 1996 ("ICI Letter"). For a discussion of the letters and responses thereto, see Securities Exchange Act Release No. 38009 (Dec. 2, 1996) (approving File No. SR-NASD-96-28).

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

allowing for legitimate telemarketing activities.

The Commission believes that the amendments to Rule 9.20, prohibiting a member of person associated with a member from making outbound telephone calls to the residence of any person for the purpose of soliciting the purchase of securities or related services at any time other than between 8 a.m. and 9 p.m. local time at the called person's location, without prior consent of the person, is appropriate. The Commission notes that, by restricting the times during which a member of a person associated with a member may call a residence, the proposal furthers the interest of the public and provides for the protection of investors by preventing members and member organizations from engaging in unacceptable practices, such as persistently calling members of the public at unreasonable hours of the day and night.

The Commission also believes that the amendments to Rule 9.20, requiring a member of person associated with a member to promptly disclose to the called person in a clear and conspicuous manner the caller's identify and firm, telephone number or address at which the caller may be contacted, and that the purpose of the call is to solicit the purchase of securities or related services, are appropriate. By requiring the caller to identify himself or herself and the purpose of the call, the Rule assists in the prevention of fraudulent and manipulative acts and practices by providing investors with information necessary to make an informed decision about purchasing securities. Moreover, by requiring the associated person to identify the firm for which the caller is being contacted, the Rule encourages responsible use of the telephone to market securities.

The Commission also believes that Rule 9.20, creating exemptions from the time-of-day and disclosure requirements for telephone calls by associated persons, or other associated persons acting at the direction of such persons, to certain categories of "existing customers" is appropriate. The Commission believes it is appropriate to create an exemption for calls to customers with whom there are existing relationships in order to accommodate personal and timely contact with a broker who can be presumed to know when it is convenient for a customer to respond to telephone calls. Moreover, such an exemption also may be necessary to accommodate trading with customer in multiple time zones across the United States. The Commission,

however, believes that the exemption from the time-of-day and disclosure requirements should be limited to calls to persons with whom the broker has a least a minimally active relationship. In this regard, the Commission believes that Rule 9.20 achieves an appropriate balance between providing protection for the public and the members' interest in competing for customers.

The Commission also believes that the amendment to Rule 9.20, requiring that a member or a person associated with a member obtain from a customer, and maintain for three years, express written authorization when submitting for payment a check, draft, or other form of negotiable paper drawn on a customer's checking, savings, share or similar account, is appropriate. The Commission notes that requiring a member or person associated with a member to obtain express written authorization from a customer in the above-mentioned circumstances assists in the prevention of fraudulent and manipulative acts in that it reduces the opportunity for a member or person associated with a member to misappropriate customers' funds. Moreover, the Commission believes that by requiring a member or person associated with a member to retain the authorization for three years, Rule 9.20 protects investors and the public interest in that it provides interested parties with the ability to acquire information necessary to ensure that valid authorization was obtained for the transfer of a customer's funds for the purchase of a security.

The Commission also believes that the amendment to Rule 9.23 requiring the retention of telemarketing scripts for three years is appropriate. By requiring the retention of telemarketing scripts for three years, Rule 9.23 assists in the prevention of fraudulent and manipulative acts and practices and provides for the protection of the public in that interested parties will have the ability to acquire copies of the scripts used to solicit the purchase of securities to ensure that members and associated persons are not engaged in unacceptable telemarketing practices.

Finally, the Commission believes that the proposed rule achieves a reasonable balance between the Commission's interest in preventing members from engaging in deceptive and abusive telemarketing acts and the members' interest in conducting legitimate telemarketing practices.

The Commission finds good cause for approving the proposed rule change, including Amendment Nos. 1 and 2, prior to the thirtieth day after the date of publication of notice thereof in the

Federal Register. The proposal is identical to the NASD and MSRB rules, which were published for comment and, subsequently, approved by the Commission. The approval of the PCX's rules provides a consistent standard across the industry. In that regard, the Commission believes that granting accelerated approval to the proposed rule change is appropriate and consistent with Section 6 of the Act.¹⁷

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁸ that the proposed rule change (SR-PCX-97-36), including Amendment Nos. 1 and 2, is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97-29748 Filed 11-10-97; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted on or before January 12, 1998.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S.W., Suite 5000, Washington, D.C. 20416. Phone Number: 202-205-6629.

SUPPLEMENTARY INFORMATION:

Title: "Small Disadvantaged Business Certification Application".

Type of Request: New Collection.

Form No: N/A.

Description of Respondents: Small Businesses seeking certification as a Small Disadvantaged Business.

Annual Responses: 100,000.

Annual Burden: 5,000.

Comments: Send all comments regarding this information collection to Patricia A. Lefevre, Office of Minority Enterprise Development, Small Business Administration, 409 3rd Street, S.W., Suite 8000, Washington, D.C. 20416. Phone No: 202-205-6416. Send

¹⁷ 15 U.S.C. 78f.

¹⁸ 15 U.S.C. 78s(b)(2).

¹⁹ 17 CFR 200.30-3(a)(12).

comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Dated: October 31, 1997.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 97-29755 Filed 11-10-97; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted on or before December 12, 1997. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83-1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Jacqueline White, Small Business Administration, 409 3rd Street, S.W., 5th Floor, Washington, D.C. 20416; Telephone: (202) 205-6629.

OMB Reviewer: Victoria Wassmer, Office of Information and Regulatory Affairs Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

Title: "Mentor Information Forms".

Form No's: SBA Forms 2031, 2031A, B, C, D, E, F, G, H.

Frequency: On Occasion.

Description of Respondents: Entrepreneurial Women and Women Business Owners.

Annual Responses: 10,000.

Annual Burden: 2,000.

Dated: October 27, 1997.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 97-29756 Filed 11-10-97; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #2984]

Commonwealth of the Northern Mariana Islands

The Islands of Saipan and Tinian in the Commonwealth of the Northern Mariana Islands constitute a disaster area as a result of damages caused by Super Typhoon Joan which occurred October 18, 1997. Applications for loans for physical damages as a result of this disaster may be filed until the close of business on December 29, 1997 and for economic injury until the close of business on July 29, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853-4795.

The interest rates are:

	Percent
For Physical Damage	
Homeowners With Credit Available Elsewhere	7.625
Homeowners Without Credit Available Elsewhere	3.812
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 298406 and for economic injury the number is 963300.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 29, 1997.

Aida Alvarez,

Administrator.

[FR Doc. 97-29757 Filed 11-10-97; 8:45 am]

BILLING CODE 8025-01-P

STATE JUSTICE INSTITUTE

Sunshine Act Meeting

DATE AND TIME: Monday, November 17, 1997; 9:00 a.m.-5:00 p.m.

PLACE: State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.

MATTERS TO BE CONSIDERED: FY 1997 grant requests, internal Institute business matters.

PORTIONS OPEN TO THE PUBLIC: All matters other than those noted as closed below.

PORTIONS CLOSED TO THE PUBLIC: Internal personnel matters and Board of Directors' committee meetings.

CONTACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314, (703) 684-6100.

David I. Tevelin,

Executive Director.

[FR Doc. 97-29840 Filed 11-7-97; 12:24 pm]

BILLING CODE 6820-SC-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings, Agreements Filed During the Week of October 31, 1997

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST-97-3053.

Date Filed: October 28, 1997.

Parties: Members of the International Air Transport Association.

Subject:

PTC1 Telex Mail Vote 894

Chile-Brazil fares

r1-070j, r2-072vv, r3-078m

Intended effective date: November 15, 1997.

Docket Number: OST-97-3054.

Date Filed: October 28, 1997.

Parties: Members of the International Air Transport Association.

Subject:

PTC2 Telex Mail Vote 896

TC2 Fares from Algeria

Intended effective date: November 15, 1997.

Docket Number: OST-97-3055.

Date Filed: October 28, 1997.

Parties: Members of the International Air Transport Association.

Subject:

PTC12 SATL-EUR 0023 dated

October 24, 1997

South Atlantic-Europe Expedited Resos r1-6

r-1-002r, r-3-076w, r-5-078LL

r-2—071y, r-4—078f, r-6—085L
Intended Effective Date: December 1, 1997.

Docket Number: OST-97-3068.

Date Filed: October 30, 1997.

Parties: Members of the International Air Transport Association.

Subject:

PTC23 EUR-SEA 0042 dated October 7, 1997

Europe-Southeast Asia Resos r1—29
Correction—PTC23 EUR-SEA 0043
dated October 21, 1997

Minutes—PTC23 EUR-SEA 0044
dated October 24, 1997

Tables—PTC23 EUR-SEA Fares 0009
dated October 28, 1997

Intended effective date: April 1, 1998.

Paulette V. Twine,

Documentary Services.

[FR Doc. 97-29723 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Notice of Application for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending October 31, 1997

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-95-477.

Date Filed: October 31, 1997.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 28, 1995.

Description: Application of L.B. Limited pursuant to 49 U.S.C. 41302, applies for amendment and re-issuance of its foreign air carrier permit to engage in scheduled air transportation of persons, property and mail on the following Bahamas-U.S. scheduled combination route: Freeport on the one hand, and the coterminous points Atlantic City, NJ; Pittsburgh, PA; Louisville, KY; Clearwater, FL; and Charleston, SC on the other hand.

Docket Number: OST-97-3075.

Date Filed: October 31, 1997.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 28, 1997.

Description: Application of Northern Airlines Corporation, pursuant to 49 U.S.C. 41102 and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity to engage in scheduled and charter interstate air transportation of persons, property and mail, and respectfully requests that it be accomplished through show cause or other expedited procedures.

Docket Number: OST-97-3076.

Date Filed: October 31, 1997.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 28, 1997.

Description: Application of Servicios Aereos Profesionales, S.A., pursuant to Subpart Q and Section 402 of the Federal Aviation Act of 1958, applies for issuance of an initial Foreign Air Carrier Permit, to operate between the Dominican Republic and the United States under a wet lease agreement.

Paulette V. Twine,

Documentary Services.

[FR Doc. 97-29722 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Air Carrier Operations Issues—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: Notice is given of a new task assigned to and accepted by the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

FOR FURTHER INFORMATION CONTACT: Quentin J. Smith, Federal Aviation Administration (AFS-200), 800 Independence Avenue, SW., Washington, DC 20591; phone (202) 267-5819; fax (202) 267-5229.

SUPPLEMENTARY INFORMATION:

Background

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator, through the Associate Administrator for Regulation and Certification, on the full range of the FAA's rulemaking activities with respect to aviation-related issues. This

includes obtaining advice and recommendations on the FAA's commitment to harmonize its regulations and practices with its trading partners in Europe and Canada.

One area ARAC deals with is air carrier operations issues. These issues involve the operational requirements for air carriers, including crewmember requirements, airplane operating performance and limitations, and equipment requirements.

The Task

This notice is to inform the public that the FAA has asked ARAC to provide advice and recommendation on the following harmonization tasks:

Airplane Performance Operating Limitations

1. Review FAA and JAA airplane operational performance requirements (14 CFR parts 121 and 135/JAR-OPS) and develop a list of differences between the two sets of requirements. (use should be made of preliminary work on the task carried out by industry). During this review, if differences are identified in the associated certification requirements, such difference should be reported to the Aviation Rulemaking Advisory Committee (ARAC) and the Harmonization Management Team by the FAA and JAA contacts.

2. When the first step is completed, explore the feasibility of harmonization of each identified difference in the following order of priority: Performance Class A, Class B, and Class C.

3. Within one year of publication of the ARAC task in the **Federal Register**, develop recommendations for common (harmonized) operational performance requirements for those items identified under item above as being feasible for harmonization. If the working group determines FAA rulemaking is required, that determination must be forwarded to the FAA for consideration of rulemaking priority, resource allocation, and additional tasking to ARAC, as appropriate.

Working Group Activity

The Airplane Performance Harmonization Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of that tasks, including the rationale supporting such a plan, for consideration at the meeting of ARAC to consider air carrier operations issues held following publication of this notice.

2. Give a detailed conceptual presentation of the proposed recommendations, prior to proceeding with the work stated in item 3 below.

3. Draft an appropriate report.

4. Provide a status report at each meeting of ARAC held to consider air carrier operations issues.

Participation in the Working Group

The Airplane Performance Harmonization Working Group is composed of experts having an interest in the assigned task. A working group member need not be a representative of a member of the full committee..

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the tasks, and stating the expertise he or she would bring to the working group. The request will be reviewed by the assistant chair, and the individual will be advised whether or not the request can be accommodated. Requests to participate on the Airplane Performance Harmonization Working Group should be submitted no later than January 2, 1998. To the extent possible, the composition of the working group will be balanced among the aviation interests selected to participate.

The Secretary of Transportation has determined that the formation and use of ARAC are necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meeting of ARAC will be open to the public. Meetings of the Airplane Performance Harmonization Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on November 5, 1997.

Quentin J. Smith,

Assistant Executive Director, for Air Carrier Operations Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 97-29729 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc.; Joint RTCA Special Committee 180 and Eurocae Working Group 46 Meeting; Design Assurance Guidance for Airborne Electronic Hardware

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), 5 U.S.C., Appendix 2), notice is hereby given for a joint RTCA Special Committee 180 and EUROCAE Working Group 46 meeting to be held December 3-5, 1997, starting at 8:30 a.m. on December 3. The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036.

The agenda will be as follows: (1) Chairman's Introductory Remarks; (2) Review and Approval of Meeting Agenda; (3) Review and Approval of Minutes of Previous Joint Meeting; (4) Leadership Team Meeting Report; (5) Review Action Items; (6) FAR part 21 Revision Activity Report; (7) Review Issue Logs; (8) Issue Team Status; (9) Break into Teams; (10) Issue Team Reports; (11) New Items for Consensus; (12) Special Committee 190 Committee Activity Report; (13) Other Business; (14) Establish Agenda for Next Meeting; (15) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 933-9339 (phone); (202) 933-9434 (fax); or <http://www.rtca.org> (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 3, 1997.

Janice L. Peters,

Designated Official.

[FR Doc. 97-29725 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Notice 97-13]

Safety Advisory: Unauthorized Cans Used to Package and Transport HC-12a®, a Liquefied Petroleum Gas

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Safety advisory notice.

SUMMARY: This is to notify the public that cans labeled as DOT-2Q containing HC-12a®, a liquefied petroleum gas, packaged and distributed by OZ Technology, Inc. (OZ), Rathdrum, Idaho are unauthorized for the packaging and transportation of HC-12a®, and that tests on these cans show that they may fail at ambient temperatures normally encountered in transportation. Failure of cans containing a liquefied petroleum gas could result in serious personal injury, death, and property damage.

FOR FURTHER INFORMATION CONTACT: Raymond L. LaMagdelaine, Chief, Special Investigations, telephone (202) 366-4700, Office of Hazardous Materials Enforcement, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street S.W., Washington, D.C. 20590-0001.

SUPPLEMENTARY INFORMATION: The Hazardous Materials Regulations (HMR) (49 CFR Parts 171-180) authorize certain specification containers for liquefied petroleum gas. A specification DOT-2Q container may be used if quantity and pressure limits are met. Specification DOT-2Q cans, when not equipped with a pressure relief device, are authorized to transport liquefied petroleum gas with a vapor pressure not exceeding 35 p.s.i.g. at 70° F. and 100 p.s.i.g. at 130° F. (49 CFR 173.304(d)(3)(ii)). The cans used by OZ to package HC-12® have no pressure relief device. According to the OZ Material Safety Data Sheet (MSDS), the vapor pressure of HC-12a® is 72 p.s.i.g. at 70° F. Therefore, a DOT-2Q can is not authorized for shipment of HC-12a®.

When a DOT-2Q can is authorized, the HMR require that "[e]ach completed container filled for shipment must have been heated until contents reached a minimum temperature of 130° F., without evidence of leakage, distortion, or

defect." (49 CFR 173.304(d)(3)(ii) Note 1). RSPA had 18 cans of HC-12a® tested by an independent test laboratory. Of the 18 cans tested, six cans burst (i.e., the valve assembly separated from the can), three leaked,

and seven distorted. All 18 cans tested were over-pressurized at 70° F. and those cans that did not leak or burst prior to 130° F were also over-pressurized.

A person who possesses a can of HC-12a® described in this safety notice should ensure that the can is not offered for transportation or transported and that it is stored in a cool or refrigerated location. If you have further questions, please contact Mr. LaMagdelaine.

Issued in Washington, D.C. on November 5, 1997.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97-29720 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Potential Failure of Check Valves Following Remanufacturing

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice; issuance of advisory bulletin.

SUMMARY: RSPA is issuing an advisory bulletin to owners and operators of Hazardous Liquid and Natural Gas Pipelines. The bulletin advises the industry about potential failure of check valves following remanufacture.

ADDRESSES: This document can be viewed on the Office of Pipeline Safety (OPS) home page at: <http://ops.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Linda Daugherty, (202) 366-4577.

SUPPLEMENTARY INFORMATION:

I. Background

In a recent accident, a hazardous liquid pipeline cleaning pig was late arriving at a pump station. The pig was thought to be lodged in the check valve due to the noise level at the valve. The valve was equipped with a lock open device and the wrench was locked in the open position by a bolt intended for that function. An attempt was made to remove the bolt from the operating handle on the check valve in order to exercise the valve and dislodge the cleaning pig. The wrench locking bolt was moved about one-half of a turn and the shaft unexpectedly blew out of the valve releasing liquefied petroleum gas into the environment. The on-site valve inspection indicated that the valve stem was held in place only by the locking bolt. The clapper and hinge were

detached and the set screws were missing.

II. Advisory Bulletin (ADB-97-05)

To: Owners and Operators of Hazardous Liquid and Natural Gas Pipelines.

Subject: Potential Failure of Check Valves Following Remanufacturing.

Purpose: Inform system owners and operators of the need to inspect/test remanufactured check valves.

Advisory: Recent information discovered during the course of an Office of Pipeline Safety (OPS) accident investigation indicates certain older check valves were not remanufactured within specified tolerances. Significant differences were found in several of the same type of remanufactured check valves. All of the shafts were different and none of the valves appear to match the description given in the check valve remanufacture procedure. Additionally, the valves were assembled differently. Evaluation of other remanufactured check valves also shows evidence of improper reassembly.

Remanufactured check valves should undergo a thorough quality assessment to assure tolerances are within design parameters, particularly valves where the shaft is retained inside the valve by set screws. Operators should consider including testing or inspection as part of the quality assessment. Remanufactured check valves currently in service are included in this advisory because damage to a pipeline and release of pressurized product may occur as a result of improper remanufacturing of check valves.

OPS recommends operators also be aware of an October 20, 1997, Environmental Protection Agency (EPA) and Occupational Safety and Health Administration Joint Safety Alert (Alert) concerning a similar but unrelated problem with certain types of check and butterfly valves. According to the Alert, certain types of check and butterfly valves can undergo shaft-disk separation and fail catastrophically or "blow-out". For more information on the Alert, visit the EPA CEPPO home page at <http://www.epa.gov/swercepp/> or contact the Emergency Planning and Community Right-to-Know Hotline at 1-800-424-9346 or 703-412-9810.

(49 U.S.C. Chapter 601; 49 CFR 1.53)

Issued in Washington, D.C. on November 5, 1997.

Stacey L. Gerard,

Acting Director for Program Development.

[FR Doc. 97-29721 Filed 11-10-97; 8:45 am]

BILLING CODE 4010-60-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Covington & Burling on behalf of Union Pacific Corporation (WB468-4—10/28/97), for permission to use certain data from the Board's Carload Waybill Samples. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 565-1542.

Vernon A. Williams,

Secretary.

[FR Doc. 97-29767 Filed 11-10-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Customs Service

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts and refunds of Customs duties. For the quarter beginning October 1, 1997, the rates will remain at 8 percent for overpayments and 9 percent for underpayments. This notice is published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: October 1, 1997.

FOR FURTHER INFORMATION CONTACT: Ronald Wyman, Accounting Services Division, Accounts Receivable Group, 6026 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 298-1200, extension 1349.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Interest rates are determined based on the short-term Federal rate. The interest rate that Treasury pays on overpayments will be the short-term Federal rate plus two percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus three percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury based on the average market yield on outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less, and fluctuate quarterly. The rates effective for a quarter are determined during the first-month period of the previous quarter.

The IRS announced September 12, 1997, that the rates of interest for the first quarter of fiscal year (FY) 1998 (the period of October 1-December 31, 1997) will remain at 8 percent for overpayments and 9 percent for underpayments. These interest rates are subject to change for the second quarter of FY-1998 (the period of January 1-March 31, 1998).

For the convenience of the importing public and Customs personnel the following list of Internal Revenue Service interest rates used, since July 1, 1975 to date, to calculate interest on overdue accounts and refunds of Customs duties, is published in summary format.

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)
070175	013176	9	9
020176	013178	7	7
020178	013180	6	6
020180	013182	12	12
020182	123182	20	20
010183	063083	16	16
070183	123184	11	11
010185	063085	13	13
070185	123185	11	11
010186	063086	10	10
070186	123186	9	9
010187	093087	9	8
100187	123187	10	9
010188	033188	11	10
040188	093088	10	9
100188	033189	11	10
040189	093089	12	11

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)
100189	033191	11	10
040191	123191	10	9
010192	033192	9	8
040192	093092	8	7
100192	063094	7	6
070194	093094	8	7
100194	033195	9	8
040195	063095	10	9
070195	033196	9	8
040196	063096	8	7
070196	033197	9	8

Dated: November 5, 1997.

Samuel H. Banks,

Acting Commissioner of Customs.

[FR Doc. 97-29663 Filed 11-10-97; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF THE TREASURY**Fiscal Service****1998 Fee Schedule for the Transfer of U.S. Treasury Book-Entry Securities Held at Federal Reserve Banks**

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury is announcing the schedule of fees to be charged in 1998 on the transfer of book-entry Treasury securities between depository institution accounts maintained at Federal Reserve Banks and Branches, as well as transfers to and from Federal Reserve Bank accounts.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT:

Carl M. Locken, Jr., Assistant Commissioner (Financing), Bureau of the Public Debt, Room 534, E St. Building, Washington, D.C. 20239-0001, telephone (202) 219-3350.
Diane M. Polowczuk, Government Securities Specialist, Bureau of the Public Debt, Room 534, E St. Building, Washington, D.C. 20239-0001, telephone (202) 219-3350.

SUPPLEMENTARY INFORMATION: On October 1, 1985, the Department of the Treasury established a fee schedule for the transfer of Treasury book-entry securities between one book-entry account to another book-entry account of the same depository institution, and between the accounts of one depository institution and the accounts of another depository institution that maintain their accounts at Federal Reserve Banks and Branches. This fee schedule also applies to the book-entry transfer of

securities between depository institution accounts and Federal Reserve Bank accounts.

Based on the latest review of book-entry costs and volumes, the Treasury has decided that the fees for securities transfers in 1998 should remain unchanged from the levels currently in effect.

The fees described in this notice apply only to the transfer of Treasury book-entry securities. The Federal Reserve System assesses the fees to recover the costs associated with the processing of the funds component of Treasury book-entry transfer messages, as well as the costs of providing book-entry services for Government agencies. Information concerning book-entry transfers of government agency securities, which are priced by the Federal Reserve System, is set out in a separate notice published by the Board of Governors of the Federal Reserve System.

The following is the Treasury fee schedule that will be effective January 1, 1998, for the Treasury book-entry transfer service:

1998 FEE SCHEDULE

	Cost per transfer
On-line transfers originated	\$1.65
On-line reversal transfers received	1.65
Off-line transfers originated	9.40
Off-line transfers received	9.40
Off-line reversal transfers received	9.40

Dated: October 31, 1997.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 97-29719 Filed 11-10-97; 8:45 am]

BILLING CODE 4810-35-P

DEPARTMENT OF THE TREASURY**Fiscal Service****Surety Companies Acceptable on Federal Bonds Termination of Authority**

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Surety Companies Acceptable on Federal Bonds Termination of Authority: Cumberland Surety Insurance Company, Inc.

SUMMARY: Dept. Circ. 570, 1997—Rev., Supp. No. 2.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch (202) 874-6779.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Certification of

Authority issued by the Treasury to Cumberland Surety Insurance Company, Inc., Lexington, Kentucky, under the United States Code, Title 31, Sections 9304–9308, to qualify as an acceptable surety on Federal bonds is terminated effective immediately.

The Company was last listed as an acceptable surety on Federal bonds at 62 FR 35557, July 1, 1997.

With respect to any bonds currently in force with Cumberland Surety Insurance Company, Inc., bond-approving officers should secure new bonds with acceptable sureties in those

instances where a significant amount of liability remains outstanding. In addition, bonds that are continuous in nature should not be renewed.

The Treasury Department Circular 570 may be viewed and downloaded through the Internet (<http://www.fms.treas.gov/c570.html>) or through our computerized public bulletin board system (FMS Inside Line) at (202) 874–6887. A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the

Circular from GPO, use the following stock number: 048–000–00499–7.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6A14, Hyattsville, MD 20782.

Dated: October 31, 1997.

Diane E. Clark,

Assistant Commissioner, Financial Information, Financial Management Service.
[FR Doc. 97–29764 Filed 11–10–97; 8:45 am]

BILLING CODE 4810–35–M

Corrections

Federal Register
Vol. 62, No. 218
Wednesday, November 12, 1997

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98-218-000]

Jersey Central Power & Light Company; Metropolitan Edison Company; Pennsylvania Electric Company; Notice of Filing

Correction

In notice document 97-29191 beginning on page 59857, in the issue of Wednesday, November 5, 1997, make the following corrections:

- 1. On page 59857, in the third column, the docket number is corrected to read as set forth above.
- 2. On page 59857, in the third column, under the heading, insert the date "October 30, 1997."

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5916-6]

Final NPDES General Permit for Discharge From New and Existing Sources in the Offshore Subcategory of the Oil and Gas Extraction Category for the Territorial Seas of Louisiana (LAG260000)

Correction

In notice document 97-29152, beginning on page 59687, in the issue of Tuesday, November 4, 1997, make the following corrections.

- 1. On page 59691, in the first column, at the end of the entry 2., the following equation should be inserted:

$$\frac{C_i}{C} = \left[\operatorname{erf} \left(\frac{1.5}{\left(\left(1 + 8AH^{\frac{4}{3}} \frac{t}{H^2} \right)^3 - 1 \right)^{\frac{1}{2}}} \right) \right]^{-1}$$

- 2. On page 59704, in the first column, in the FR Doc. line, "11-4-97" should read "11-3-97".

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 21, and 74

[MM Docket No. 97-217; FCC 97-360]

MDS and ITFS Two-Way Transmissions

Correction

Proposed rule document 97-29346 was inadvertently published in the Rules and Regulations section of the issue of Thursday, November 6, 1997, beginning on page 60025. It should have appeared in the Proposed Rules section.

BILLING CODE 1505-01-D

FEDERAL RESERVE SYSTEM

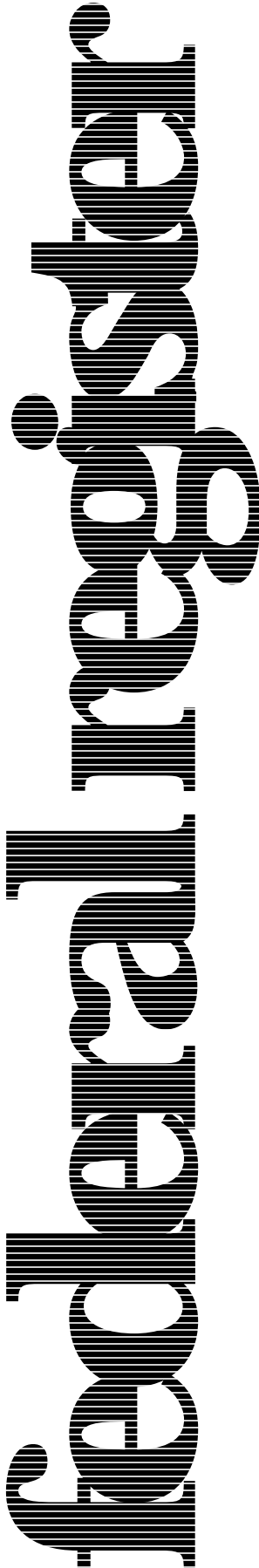
Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

Correction

In notice document 97-29084, appearing on page 59706, in the issue of Tuesday, November 4, 1997, make the following correction:

On page 59706, in the third column, in the FR Doc. line, "11-4-97" should read "11-3-97".

BILLING CODE 1505-01-D



Wednesday
November 12, 1997

Part II

**Department of
Education**

**National Center or Centers for Research
in Vocational Education; Notice**

DEPARTMENT OF EDUCATION**National Center or Centers for Research in Vocational Education****AGENCY:** Department of Education**ACTION:** Notice of final interpretation and waivers.

SUMMARY: The Secretary of Education (Secretary) announces an interpretation of the statute authorizing the National Center or Centers for Research in Vocational Education (National Center), section 404, Part A, Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (Act). Under the interpretation, the Secretary has the authority to extend the five-year project period for the current National Center at the University of California at Berkeley. In addition, for the National Center at Berkeley, the Secretary waives the regulations in 34 CFR 75.250 of the Education Department General Administrative Regulations (EDGAR), which provide that the Secretary may approve a project period of up to 60 months; the regulations in 34 CFR 75.261(c)(2) and (3) of EDGAR, which provide for circumstances under which the Secretary may extend the project period of an award; and the regulations in 34 CFR 413.4(a), which provide that the Secretary designates a National Center or Centers once every five years.

EFFECTIVE DATE: This notice becomes effective on December 12, 1997.

FOR FURTHER INFORMATION CONTACT: Jackie Friederich or Pariece Wilkins, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education (Mary E. Switzer Building, Room 4526), 600 Independence Avenue, SW, Washington, DC 20202-7242. Telephone (202) 205-9071. Internet address: Jackie_friederich@ed.gov and Pariece_wilkins@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: In December 1992, after a competition conducted under the authority of section 404 of the Perkins Act and the implementing regulations at 34 CFR Part 413, the Secretary awarded grants to the University of California at Berkeley to

operate the current National Center for Research in Vocational Education. At that time, the Secretary approved a five-year project period. The National Center has received annual grant awards since December 1992 for the purpose of conducting applied research and development activities in vocational education as well as annual awards for the purpose of conducting dissemination and training activities in vocational education. Section 3 of the Act, as amended by Public Law 101-392, authorized appropriations for Titles I through IV of the Act (including appropriations for the National Center) for Fiscal Years (FYs) 1991, 1992, 1993, 1994, and 1995. Calendar year 1997 will be the fifth year of the project period for which the University of California at Berkeley was selected and awarded grants in 1992. The funds awarded to the National Center in December of 1992 were utilized by the University of California at Berkeley to carry out activities in 1993. Since section 3 of the Act only authorized appropriations under Perkins Act programs through FY 1995, FY 1996 Perkins Act programs were extended under the authority of section 422 of the General Education Provisions Act (Pub. L. 103-382). In FY 1997, Perkins Act programs that were funded, including the National Center program, operated by authority of annual congressional appropriations.

On June 20, 1997, the Secretary published a notice of proposed interpretation and proposed waiver in the **Federal Register** (62 FR 33726). Except for technical revisions and the waiver of 34 CFR 75.261(c)(2) and (3), there are no differences between the proposed and final interpretation and waivers.

Analysis of Comments*Interpretation*

In response to the Secretary's invitation, 17 parties submitted comments on the notice of proposed interpretation of section 404 of the Perkins Act and on the proposed waivers of §§ 75.250 and 413.4(a).

Comments: All seventeen commenters supported the continuation of the National Center at the University of California at Berkeley. Fourteen of these commenters thought the National Center should continue because they either benefited from or were pleased with the National Center's work. Five commenters agreed with the Department that the National Center should be continued because of uncertainties regarding reauthorization and future funding for the National Center.

Discussion: The Secretary is also pleased with work performed by the National Center at the University of California at Berkeley. The National Center has provided valuable research in tech-prep, integration of academic and vocational education, and both performance and skills standards. Moreover, the Secretary believes Berkeley is likely to continue to operate a National Center that addresses the needs of the vocational education community.

The uncertainties regarding reauthorization and future funding for the National Center, which prompted the Department to propose the notice of interpretation and waivers, remain. The Secretary continues to want to avoid holding a grant competition for a new National Center in an atmosphere of uncertainty in which potential applicants would not have critical information. The Secretary is, therefore, issuing this notice of interpretation that will enable the Department to continue the existing National Center beyond the 60-month project period, with new work beginning under the grants in 1998.

Change: None.

Comment: One commenter strongly encouraged the National Center, during its one-year extension, to provide research that supports a strengthened State leadership role for vocational technical education and to conduct research that will assist States in critical issues such as vocational technical education's role in welfare reform and vocational teacher education.

Discussion: The Secretary believes that one of the most important activities of the National Center is applied research and dissemination that help to shape the future of vocational education and that are especially useful to educators in strengthening vocational education programs. In this regard, the Secretary plans for the National Center to enhance its dissemination activities and efforts to assist States and localities to address their needs. During the 1998 project period the National Center will provide States with materials and services in key areas of need, which may include use performance data, professional development, welfare reform, and curriculum integration, and will provide technical assistance in the use of the National Center's research findings through regional workshops.

Change: None.

Waiver

Comment: None.

Discussion: In order to extend the five-year project period for the current National Center, the Secretary has waived 34 CFR 75.250, which provides

that the Secretary may approve a project period of up to 60 months, and § 413.4(a), which provides that the Secretary designates a National Center or Centers once every five years. Consistent with these two waivers, the Secretary has determined that he will waive 34 CFR 75.261(c)(2) and (3) so as to authorize the extension to Berkeley even though the extension will involve the obligation of new Federal monies and the performance of new work.

Change: This notice now includes a waiver of 34 CFR 75.261(c)(2) and (3).

Interpretation and Waivers

The authorization of appropriations for the Perkins Act has expired and the National Center is being funded and administered on the basis of year-to-year congressional appropriations. There is no authorization of appropriation for the years that would be covered by new five-year National Center grants, were there to be a competition. The National Center authority in section 404 of the Perkins Act requires that the Secretary operate a National Center or Centers for a period of five years. December 31, 1997 will be the end of the five-year period for the current National Center and, therefore, the statutory requirement will have been met. The Secretary does not view the statute as requiring a new competition for new five-year grants especially since there are no appropriations authorized. Accordingly, the Secretary interprets the statute as authorizing him to extend the current National Center.

In view of the uncertainties presented by the absence of appropriation authority, the Secretary seeks to avoid a situation where the current National Center ceases operations and a new National Center starts up operations the next year, very possibly resulting in a difficult transition period and a truncated project period during which essential research, development, dissemination, and training activities will not be undertaken, causing a potentially serious disruption of services to the vocational education community. The Secretary also does not wish to place potential applicants in the position of expending resources applying for Federal funds without knowing the full amount of funds for which they are applying or the period of years for which they are seeking to be funded. Also, the Secretary is generally reluctant to announce a competition whereby eligible entities would be expected to proceed through the application preparation and submission processes while lacking critical information and does not think that it would be in the public interest to do so.

The Secretary, therefore, adopts the interpretation and waives certain regulations for the National Center at Berkeley in order to provide an appropriate and cost-effective way of implementing existing legislation while serving the interest of the education community.

The Secretary adopts the interpretation of section 404 of the Perkins Act and waives §§ 75.250 and 75.261(c)(2) and (3) of EDGAR and § 413.4(a) of the program regulations as they apply to the National Center at Berkeley. This interpretation and these waivers authorize the Secretary to extend the grants to the University of California at Berkeley beyond the 60-month period provided for in § 75.250, with new work beginning under the grants in 1998. The Secretary will extend the grants if it is determined, based on information available, that Berkeley is making substantial progress and will likely continue to make substantial progress in performing all required activities.

Assuming that Berkeley is making substantial progress in performing the required activities, the Secretary will extend the grants to Berkeley for one additional year (through December, 1998), by awarding two grants totaling \$4.5 million under the authority of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Public Law 104-208. However, additional extensions could be made if Congress makes further appropriations without underlying authorizing legislation. During the period of any extension, the Secretary will review the activities of the National Center to ensure that Berkeley continues to make substantial progress in performing all required activities.

The Secretary does not interpret the waivers as exempting the grantee from the account closing provisions of Pub. L. 101-510 or as extending the availability of FY 1992, 1993, 1994, 1995, and 1996 funds awarded to the grantee. As a result of Pub. L. 101-510, appropriations available for a limited period may be used for payments of valid obligations for only five years after the expiration of their period of availability for Federal obligation. After that time, the unexpended balance of those funds is canceled and returned to the Treasury Department and is unavailable for restoration for any purpose. Therefore, FY 1993 funds awarded to Berkeley for the National Center will not be available for payments on obligations after September 30, 1998. If the grants are extended for additional years, funds

will be available for payments on valid obligations for only five years after the expiration of their period of availability. For example:

(a) FY 1994 funds [or appropriations] will not be available for payment of obligations after September 30, 1999.

(b) FY 1995 funds [or appropriations] will not be available for payment of obligations after September 30, 2000.

During the period of the extension of the National Center, the Secretary will give special emphasis to several of the mandatory statutory and regulatory activities the National Center is required to carry out, which appear to be of particular concern to the education community, in the following areas:

(a) Integration of academic and vocational education.

(b) Accountability in vocational education, including the use of performance standards for program improvement.

(c) Education of students in all aspects of an industry.

(d) Development of effective methods for promoting literacy and communication skills in students.

(e) Use of technology to enhance learning and support the transference of knowledge.

(f) Teacher and administrator training and leadership development.

(g) Articulation of secondary and postsecondary instruction with high quality work-based learning.

(h) A study on the research conducted on approaches that lead to effective articulation of the education-to-work transition.

(i) Dissemination of exemplary practices and materials, including curriculum and instructional materials.

(j) Development and utilization of a national level dissemination network, including the broad dissemination of the results of research and development conducted by the National Center.

(k) Development and publication of curriculum materials.

(l) Development of processes for the synthesis of research.

The activities of the National Center provide valuable support to the Department's new initiatives that are geared toward preparing students for high-skill jobs by providing them with the academic, technical, and related skills needed for the twenty-first century. These initiatives support the development of high levels of academic standards and occupational skills for all students by promoting education reform, improvements at the postsecondary level in the delivery of services to vocational education students and in teacher and administrator training and leadership

development, and the development of school-to-work systems. Through research and dissemination initiatives in areas such as the integration of academic and vocational education and the education of students in all aspects of an industry, new findings can be identified and disseminated in areas such as linking secondary and postsecondary learning, and the formation of effective partnerships among schools, employers, parents, and community and labor organizations that enhance school-based and work-based learning. Other possible research, development, and dissemination strategies that address these priorities could include the use of support services and supportive learning environments, the development and use of effective performance management systems for program improvement, and the integration of occupational skill standards and assessments with academic performance standards and assessments. Through the exploration, development, identification, and dissemination of these strategies, the work of the National Center will have a significant impact on education policy and practice which will benefit the collaborative education and training efforts of institutions, educators, businesses, and students.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedures Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the waiver of 34 CFR 75.261(c)(2) and (3) is a procedural change only and does not establish new substantive policy. Moreover, the waiver of 34 CFR 75.261(c)(2) and (3) is fully consistent with the Secretary's waiver of 34 CFR 75.250 and 413.4(a)—on which the Secretary sought public comment on June 20, 1997 (62 FR 33726)—in that 75.261(c)(2) and (3) provide for circumstances under which the Secretary may extend the project period of an award. Therefore, proposed rulemaking is not required under 5 U.S.C. 553(b)(A) and is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>

<http://www.ed.gov/news.html>

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1-888-293-6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219-1511 or, toll free, 1-800-222-4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of this document is the document published in the **Federal Register**.

(Catalog of Federal Domestic Assistance Number 84.051 National Center for Research in Vocational Education)

Authority: 20 U.S.C. 1221e-3; 20 U.S.C. 2404; 20 U.S.C. 3474.

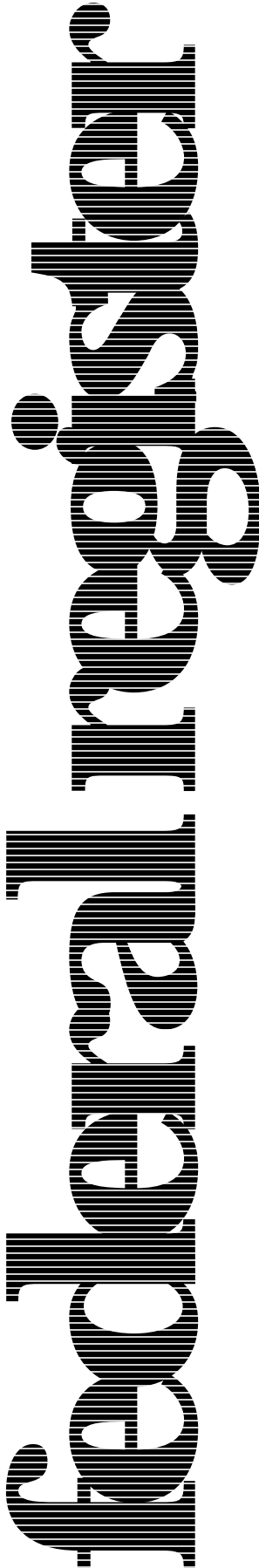
Dated: October 4, 1997.

Christine D. Kulick,

Acting Assistant Secretary, Office of Vocational and Adult Education.

[FR Doc. 97-29611 Filed 11-10-97; 8:45 am]

BILLING CODE 4000-01-P



Wednesday
November 12, 1997

Part III

Department of Transportation

Federal Transit Administration

Section 5309 (Section 3(j)) FTA New
Starts Criteria; Notice

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Section 5309 (Section 3(j)) FTA New Starts Criteria

AGENCY: Federal Transit Administration (FTA), DOT

ACTION: Amendment of notice.

SUMMARY: The Federal Transit Administration (FTA) is amending its December 19, 1996 Notice describing the criteria it will use to evaluate candidate projects for discretionary New Starts funding under Title 49 United States Code (U.S.C.) Section 5309. Specifically, the Notice is amended to reflect Departmental guidance issued on April 9, 1997 establishing a Department-wide standard for the value of travel time; correct an editorial error regarding the application of travel time savings to the criteria for mobility improvements; account for the lack of standardized national assumptions regarding the unit value of criteria pollutant and greenhouse gas emissions; reflect a change in the definition of "boarding points associated with the proposed new start" for purposes of evaluating mobility improvements; and reflect a change in the definition of "new start service area" for purposes of evaluating operating efficiencies.

EFFECTIVE DATES: This Notice will be used to evaluate projects for discretionary new start funding recommendations for the 1999 Fiscal Year.

FOR FURTHER INFORMATION CONTACT: John Day, Office of Policy Development, FTA, Washington, D.C. 20590, (202) 366-4060.

SUPPLEMENTARY INFORMATION:

I. Background

On December 19, 1996, FTA issued a Notice describing the criteria it will use to evaluate candidate projects for discretionary New Starts funding under Title 49 United States Code (USC) Section 5309. These criteria replaced those which had been in effect since the May 18, 1984 Statement of Policy on Major Urban Mass Transportation Capital Investments, and incorporated the expanded range of factors implemented by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

Value of Travel Time Savings

The Notice established a measure for the statutory criteria of "mobility improvements" of "[t]he projected value of aggregate travel time savings per year

(forecast year¹) anticipated from the new investment, compared with the no-build and TSM (Transportation System Management) alternatives." It further established the value of total travel time savings at 80 percent of the average wage rate in the urbanized area.

On April 19, 1997, the Secretary of Transportation issued "The Value of Travel Time: Departmental Guidance for Conducting Economic Evaluations," which established department-wide guidance for calculating the value of time saved or lost by users of the transportation system. The values of time and procedures set forth in the Departmental guidance are to be used for all DOT cost-benefit and cost-effectiveness analyses that employ measures of the value of travel time lost or saved. They replace mode-specific methods for valuing travel time with a consistent set of monetary values applicable to all modes.

The Departmental guidance establishes a common value of local travel time for automobile drivers and passengers, public transit passengers, pedestrians, and bicyclists. Separate values are specified for personal travel (including commuting, shopping, conducting personal business, and social and recreational travel), business or work-related travel, and travel by truck drivers.

Hourly wages were derived from several sources. For personal travel by surface modes, the standard adopted is median household income, as reported by the Bureau of the Census, divided by 2,000 hours. This figure amounted to \$17.00 in 1995. The standard for business travel is derived from employee compensation figures supplied by the Bureau of Labor Statistics. For business travel by surface mode (except truck drivers), the hourly wage figure was \$18.80 including fringe benefits. For truck drivers, the hourly wage was \$16.50.

The values adopted by the Department for travel time are as follows: 50 percent of the wage for all local personal travel, regardless of mode; 70 percent of the wage for all intercity personal travel; and 100 percent of the wage (plus fringe benefits) for all local and intercity business travel, including travel by truck drivers. In special cases where out-of-vehicle time (access, waiting, and transfer time) on transit trips is isolated as an object of analysis, time is valued at 100 percent of the wage.

¹ The original Notice established the forecast year as year 20 of the analysis period, and noted that an opening year forecast will be used for financial analysis and as a check on initial ridership projections.

Using these percentages and wage rates, the hourly value of travel time for local travel on surface modes (transit's market) is as follows: \$8.50 for personal local travel by all (50 percent of the median household income, divided by 2,000 hours); \$18.80 for local business travel, and \$16.50 for truck drivers. The hourly value for walking, waiting, and access time associated with transit improvements is \$17.00 (100 percent of the median household income, divided by 2,000 hours).

The Office of the Assistant Secretary for Transportation Policy will publish periodic updates of the values of travel time to be used in DOT economic analyses. This updating will be performed using the same data sources used to develop the initial values, including the Bureau of the Census, the Bureau of Labor Statistics, and the Air Transport Association. The updating process will automatically index the values to reflect increases in hourly earnings throughout the nation's economy.

Application of Value of Travel Time Savings

In addition to the revised values for travel time, the December 19, 1996 Notice is being amended to correct an editorial error regarding the application of travel time savings to the criteria for mobility improvements. Specifically, in the summary of comments to the September 28, 1994 Policy Discussion Paper, the Notice indicated that travel time increases "should not be counted against overall travel time improvements for new riders (**Federal Register**, Vol. 61, No. 245, p. 67100)." This position was adopted because some people who switch to transit can incur longer travel times, but are deriving other benefits such as reduced travel under congested conditions, improved ride quality, reduced commuting costs, etc. Lacking a reliable means for placing a value on such benefits, the value of the travel time increase would be used as a surrogate and not be deducted from overall travel time savings.

However, section II(a)(1) of the policy statement itself notes incorrectly that the projected value of aggregate travel time savings per year "is a net figure in the sense that travel time increases should be explicitly considered and used to offset the time savings of those people who experience savings (**Federal Register**, Vol. 61, No. 245, p. 67105)." This statement is incorrect, and this amendment removes the above sentence from the original Notice.

Valuation of Criteria Pollutant and Greenhouse Gas Emissions

The Notice established a measure for the statutory criteria of "environmental benefits" of "the value per year (forecast year) of the forecast change in criteria pollutant emissions and in greenhouse gas emissions, ascribable to the proposed new investment, calculated according to standardized national assumptions about the unit value of each emission." These values were to have been determined by the Environmental Protection Agency (EPA). However, to date no values have been set. This amendment strikes the requirement that a value be placed on the forecast change in emissions.

Definition of "Boarding Points" for Evaluating Mobility Improvements

Section II(a)(1) of the Notice states that one of the factors for rating the mobility improvements expected to be derived from a proposed new start would be the absolute number of low income households (households below the poverty level) located within 1/2-mile of boarding points associated with the proposed system increment (**Federal Register**, Vol. 61, No. 245, p. 67105). This is still true. However, the discussion for this measure found in the summary of comments (**Federal Register**, Vol. 61, No. 245, p. 67100) defines "boarding points associated with the proposed system" as "not limited to stations that are part of the proposed project," and including "boarding points that will feed into the new system." In practice, this would have included bus stops on routes serving the new stations, as well as existing rail stations on lines that intersect with the new system at the new stations (such as when a new rapid rail line intersects with an existing commuter rail line, and a new station is constructed).

In developing guidance for this measure, FTA concluded that including all potential boarding points associated with a new system would place an unnecessary and unfair burden on local agencies, would lead to reporting inconsistencies, and lack comparability among projects proposed for discretionary new starts funding. As a result, this amendment revises this measure to include only those stations located directly on the proposed new facility.

Definition of "Service Area" for Evaluating Operating Efficiencies

Section II(a)(3) of the December 19, 1996 Notice indicates that the measure for "operating efficiencies" would be

based on the "forecast change in operating cost per passenger mile" for the new start service area, defined as "that part of the system that will be directly affected by the proposed new investment." Though not specifically stated, this measure would have included the change in operating cost per passenger mile not only for the new facility, but also for connecting bus routes and rail lines.

In developing guidance for the revised criteria, FTA concluded that this measure as defined would place an unfair and unnecessary burden on local agencies, would lead to reporting inconsistencies, and lack comparability among projects proposed for discretionary new starts funding. As a result, this amendment revises the definition of "service area" for this measure to include the entire transit system.

II. Incorporation of DOT Guidance Into FTA New Starts Criteria

The December 19, 1996 **Federal Register** Notice adopted aggregate travel time savings as one of the measures for "mobility improvements." This aggregate includes travel time savings for all travelers affected by the proposed transit investment; new and existing transit riders as well as highway users, business travel as well as personal. Given that the DOT Guidance establishes different values for different trip purposes (plus additional values for wait time and truck drivers), FTA has adopted a weighted average approach for valuing travel time savings (or increases) associated with a proposed new start, using distributions of travel by mode and by trip purpose.

The revised value of travel time consists of three components: out-of-vehicle time for all modes; in-vehicle time for highway modes; and in-vehicle time for transit modes.

Out-of-vehicle time (time spent accessing, waiting, and transferring) is valued at 100 percent of the wage rate, as specified in the DOT Guidance. Using the wage rates specified earlier, out-of-vehicle time is valued at \$17.00 per hour.

The value for in-vehicle travel time for transit modes is a weighted average based on trip purpose, i.e., business or personal. The DOT Guidance uses data from the 1990 Nationwide Personal Transportation Survey for trip purpose information. For surface modes, the distribution for local travel is 95.8 percent personal, 4.2 percent business. This results in a weighted average value of in-vehicle time for surface modes, for all purposes, of \$8.90 per hour.

The value for in-vehicle highway time includes an additional variable for vehicle mix, as the DOT Guidance establishes a separate value of time for truck drivers. For this component, FTA calculated a weighted average of highway travel time based on vehicle mix information provided by the 1995 Highway Statistics report published by the Federal Highway Administration. According to this report, automobiles account for 92.4 percent of vehicle miles traveled (VMT), and trucks account for the remaining 7.6 percent. Using these figures, and applying the weighted average value of in-vehicle time for business and personal travel as calculated above, the resulting value for in-vehicle highway time is \$9.50 per hour.

III. Amendments to Section 5309 FTA New Starts Criteria

The December 19, 1996 **Federal Register** Notice, "Section 5309 (Section 3(j)) FTA New Starts Criteria," issued by the Federal Transit Administration (FTA), is amended as follows:

The sentence reading, "It is a net figure in the sense that travel time increases should be explicitly considered and used to offset the time savings of those people who experience savings," in regard to the measure for "mobility improvements," is stricken from the Notice.

The sentence reading, "Total travel time savings will be valued at 80 percent of the average wage rate in the urbanized area," regarding the measure for "mobility improvements," is stricken and replaced with the following:

"Travel time savings will be valued according to trip purpose, using standardized values established by the Department of Transportation, based on average national wage rates as reported in the decennial Census. For transit riders, travel time will be valued at 50 percent of the wage rate for non-work travel (including commuting) and 100 percent of the wage rate for work-related travel. The total value of travel time for transit riders will be calculated using a weighted average by trip purpose. For highway users, the weighted average will also include travel by truck drivers, based on vehicle mix. In addition, time spent waiting for, accessing, and boarding transit vehicles will be valued at 100 percent of the wage rate."

The phrase reading, "the value per year (forecast year) of the forecast change in criteria pollutant emissions and in greenhouse gas emissions, ascribable to the proposed new investment, calculated according to standardized national assumptions

about the unit value of each emission," regarding the measure for "environmental benefits," is stricken and replaced with the following:

"[T]he annual forecast change in criteria pollutant emissions and in greenhouse gas emissions, ascribable to the proposed new investment, calculated in terms of tons for each criteria pollutant or gas."

The sentence reading, "This measure is not limited to stations that are part of

the proposed project, and includes boarding points that will feed into the new system," contained in the discussion of "mobility improvements" with respect to the definition of "boarding points," is stricken and replaced with the following:

"Boarding points are defined as those transit stations located directly on the proposed new start transit facility."

In Section II(a)(3), the phrase "for that part of the system that will be directly

affected by the proposed new investment" is stricken and replaced with the following:

"[F]or the entire transit system."

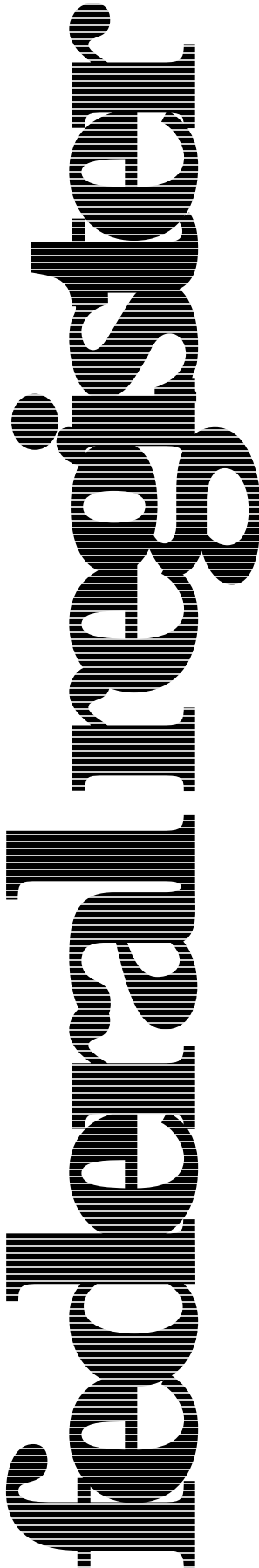
Issue Date: November 5, 1997.

Gordon J. Linton,

Administrator.

[FR Doc. 97-29718 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-57-P



Wednesday
November 12, 1997

Part III

Department of Transportation

Federal Transit Administration

Section 5309 (Section 3(j)) FTA New
Starts Criteria; Notice

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Section 5309 (Section 3(j)) FTA New Starts Criteria

AGENCY: Federal Transit Administration (FTA), DOT

ACTION: Amendment of notice.

SUMMARY: The Federal Transit Administration (FTA) is amending its December 19, 1996 Notice describing the criteria it will use to evaluate candidate projects for discretionary New Starts funding under Title 49 United States Code (U.S.C.) Section 5309. Specifically, the Notice is amended to reflect Departmental guidance issued on April 9, 1997 establishing a Department-wide standard for the value of travel time; correct an editorial error regarding the application of travel time savings to the criteria for mobility improvements; account for the lack of standardized national assumptions regarding the unit value of criteria pollutant and greenhouse gas emissions; reflect a change in the definition of "boarding points associated with the proposed new start" for purposes of evaluating mobility improvements; and reflect a change in the definition of "new start service area" for purposes of evaluating operating efficiencies.

EFFECTIVE DATES: This Notice will be used to evaluate projects for discretionary new start funding recommendations for the 1999 Fiscal Year.

FOR FURTHER INFORMATION CONTACT: John Day, Office of Policy Development, FTA, Washington, D.C. 20590, (202) 366-4060.

SUPPLEMENTARY INFORMATION:

I. Background

On December 19, 1996, FTA issued a Notice describing the criteria it will use to evaluate candidate projects for discretionary New Starts funding under Title 49 United States Code (USC) Section 5309. These criteria replaced those which had been in effect since the May 18, 1984 Statement of Policy on Major Urban Mass Transportation Capital Investments, and incorporated the expanded range of factors implemented by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

Value of Travel Time Savings

The Notice established a measure for the statutory criteria of "mobility improvements" of "[t]he projected value of aggregate travel time savings per year

(forecast year ¹) anticipated from the new investment, compared with the no-build and TSM (Transportation System Management) alternatives." It further established the value of total travel time savings at 80 percent of the average wage rate in the urbanized area.

On April 19, 1997, the Secretary of Transportation issued "The Value of Travel Time: Departmental Guidance for Conducting Economic Evaluations," which established department-wide guidance for calculating the value of time saved or lost by users of the transportation system. The values of time and procedures set forth in the Departmental guidance are to be used for all DOT cost-benefit and cost-effectiveness analyses that employ measures of the value of travel time lost or saved. They replace mode-specific methods for valuing travel time with a consistent set of monetary values applicable to all modes.

The Departmental guidance establishes a common value of local travel time for automobile drivers and passengers, public transit passengers, pedestrians, and bicyclists. Separate values are specified for personal travel (including commuting, shopping, conducting personal business, and social and recreational travel), business or work-related travel, and travel by truck drivers.

Hourly wages were derived from several sources. For personal travel by surface modes, the standard adopted is median household income, as reported by the Bureau of the Census, divided by 2,000 hours. This figure amounted to \$17.00 in 1995. The standard for business travel is derived from employee compensation figures supplied by the Bureau of Labor Statistics. For business travel by surface mode (except truck drivers), the hourly wage figure was \$18.80 including fringe benefits. For truck drivers, the hourly wage was \$16.50.

The values adopted by the Department for travel time are as follows: 50 percent of the wage for all local personal travel, regardless of mode; 70 percent of the wage for all intercity personal travel; and 100 percent of the wage (plus fringe benefits) for all local and intercity business travel, including travel by truck drivers. In special cases where out-of-vehicle time (access, waiting, and transfer time) on transit trips is isolated as an object of analysis, time is valued at 100 percent of the wage.

¹ The original Notice established the forecast year as year 20 of the analysis period, and noted that an opening year forecast will be used for financial analysis and as a check on initial ridership projections.

Using these percentages and wage rates, the hourly value of travel time for local travel on surface modes (transit's market) is as follows: \$8.50 for personal local travel by all (50 percent of the median household income, divided by 2,000 hours); \$18.80 for local business travel, and \$16.50 for truck drivers. The hourly value for walking, waiting, and access time associated with transit improvements is \$17.00 (100 percent of the median household income, divided by 2,000 hours).

The Office of the Assistant Secretary for Transportation Policy will publish periodic updates of the values of travel time to be used in DOT economic analyses. This updating will be performed using the same data sources used to develop the initial values, including the Bureau of the Census, the Bureau of Labor Statistics, and the Air Transport Association. The updating process will automatically index the values to reflect increases in hourly earnings throughout the nation's economy.

Application of Value of Travel Time Savings

In addition to the revised values for travel time, the December 19, 1996 Notice is being amended to correct an editorial error regarding the application of travel time savings to the criteria for mobility improvements. Specifically, in the summary of comments to the September 28, 1994 Policy Discussion Paper, the Notice indicated that travel time increases "should not be counted against overall travel time improvements for new riders (**Federal Register**, Vol. 61, No. 245, p. 67100)." This position was adopted because some people who switch to transit can incur longer travel times, but are deriving other benefits such as reduced travel under congested conditions, improved ride quality, reduced commuting costs, etc. Lacking a reliable means for placing a value on such benefits, the value of the travel time increase would be used as a surrogate and not be deducted from overall travel time savings.

However, section II(a)(1) of the policy statement itself notes incorrectly that the projected value of aggregate travel time savings per year "is a net figure in the sense that travel time increases should be explicitly considered and used to offset the time savings of those people who experience savings (**Federal Register**, Vol. 61, No. 245, p. 67105)." This statement is incorrect, and this amendment removes the above sentence from the original Notice.

Valuation of Criteria Pollutant and Greenhouse Gas Emissions

The Notice established a measure for the statutory criteria of "environmental benefits" of "the value per year (forecast year) of the forecast change in criteria pollutant emissions and in greenhouse gas emissions, ascribable to the proposed new investment, calculated according to standardized national assumptions about the unit value of each emission." These values were to have been determined by the Environmental Protection Agency (EPA). However, to date no values have been set. This amendment strikes the requirement that a value be placed on the forecast change in emissions.

Definition of "Boarding Points" for Evaluating Mobility Improvements

Section II(a)(1) of the Notice states that one of the factors for rating the mobility improvements expected to be derived from a proposed new start would be the absolute number of low income households (households below the poverty level) located within 1/2-mile of boarding points associated with the proposed system increment (**Federal Register**, Vol. 61, No. 245, p. 67105). This is still true. However, the discussion for this measure found in the summary of comments (**Federal Register**, Vol. 61, No. 245, p. 67100) defines "boarding points associated with the proposed system" as "not limited to stations that are part of the proposed project," and including "boarding points that will feed into the new system." In practice, this would have included bus stops on routes serving the new stations, as well as existing rail stations on lines that intersect with the new system at the new stations (such as when a new rapid rail line intersects with an existing commuter rail line, and a new station is constructed).

In developing guidance for this measure, FTA concluded that including all potential boarding points associated with a new system would place an unnecessary and unfair burden on local agencies, would lead to reporting inconsistencies, and lack comparability among projects proposed for discretionary new starts funding. As a result, this amendment revises this measure to include only those stations located directly on the proposed new facility.

Definition of "Service Area" for Evaluating Operating Efficiencies

Section II(a)(3) of the December 19, 1996 Notice indicates that the measure for "operating efficiencies" would be

based on the "forecast change in operating cost per passenger mile" for the new start service area, defined as "that part of the system that will be directly affected by the proposed new investment." Though not specifically stated, this measure would have included the change in operating cost per passenger mile not only for the new facility, but also for connecting bus routes and rail lines.

In developing guidance for the revised criteria, FTA concluded that this measure as defined would place an unfair and unnecessary burden on local agencies, would lead to reporting inconsistencies, and lack comparability among projects proposed for discretionary new starts funding. As a result, this amendment revises the definition of "service area" for this measure to include the entire transit system.

II. Incorporation of DOT Guidance Into FTA New Starts Criteria

The December 19, 1996 **Federal Register** Notice adopted aggregate travel time savings as one of the measures for "mobility improvements." This aggregate includes travel time savings for all travelers affected by the proposed transit investment; new and existing transit riders as well as highway users, business travel as well as personal. Given that the DOT Guidance establishes different values for different trip purposes (plus additional values for wait time and truck drivers), FTA has adopted a weighted average approach for valuing travel time savings (or increases) associated with a proposed new start, using distributions of travel by mode and by trip purpose.

The revised value of travel time consists of three components: out-of-vehicle time for all modes; in-vehicle time for highway modes; and in-vehicle time for transit modes.

Out-of-vehicle time (time spent accessing, waiting, and transferring) is valued at 100 percent of the wage rate, as specified in the DOT Guidance. Using the wage rates specified earlier, out-of-vehicle time is valued at \$17.00 per hour.

The value for in-vehicle travel time for transit modes is a weighted average based on trip purpose, i.e., business or personal. The DOT Guidance uses data from the 1990 Nationwide Personal Transportation Survey for trip purpose information. For surface modes, the distribution for local travel is 95.8 percent personal, 4.2 percent business. This results in a weighted average value of in-vehicle time for surface modes, for all purposes, of \$8.90 per hour.

The value for in-vehicle highway time includes an additional variable for vehicle mix, as the DOT Guidance establishes a separate value of time for truck drivers. For this component, FTA calculated a weighted average of highway travel time based on vehicle mix information provided by the 1995 Highway Statistics report published by the Federal Highway Administration. According to this report, automobiles account for 92.4 percent of vehicle miles traveled (VMT), and trucks account for the remaining 7.6 percent. Using these figures, and applying the weighted average value of in-vehicle time for business and personal travel as calculated above, the resulting value for in-vehicle highway time is \$9.50 per hour.

III. Amendments to Section 5309 FTA New Starts Criteria

The December 19, 1996 **Federal Register** Notice, "Section 5309 (Section 3(j)) FTA New Starts Criteria," issued by the Federal Transit Administration (FTA), is amended as follows:

The sentence reading, "It is a net figure in the sense that travel time increases should be explicitly considered and used to offset the time savings of those people who experience savings," in regard to the measure for "mobility improvements," is stricken from the Notice.

The sentence reading, "Total travel time savings will be valued at 80 percent of the average wage rate in the urbanized area," regarding the measure for "mobility improvements," is stricken and replaced with the following:

"Travel time savings will be valued according to trip purpose, using standardized values established by the Department of Transportation, based on average national wage rates as reported in the decennial Census. For transit riders, travel time will be valued at 50 percent of the wage rate for non-work travel (including commuting) and 100 percent of the wage rate for work-related travel. The total value of travel time for transit riders will be calculated using a weighted average by trip purpose. For highway users, the weighted average will also include travel by truck drivers, based on vehicle mix. In addition, time spent waiting for, accessing, and boarding transit vehicles will be valued at 100 percent of the wage rate."

The phrase reading, "the value per year (forecast year) of the forecast change in criteria pollutant emissions and in greenhouse gas emissions, ascribable to the proposed new investment, calculated according to standardized national assumptions

about the unit value of each emission," regarding the measure for "environmental benefits," is stricken and replaced with the following:

"[T]he annual forecast change in criteria pollutant emissions and in greenhouse gas emissions, ascribable to the proposed new investment, calculated in terms of tons for each criteria pollutant or gas."

The sentence reading, "This measure is not limited to stations that are part of

the proposed project, and includes boarding points that will feed into the new system," contained in the discussion of "mobility improvements" with respect to the definition of "boarding points," is stricken and replaced with the following:

"Boarding points are defined as those transit stations located directly on the proposed new start transit facility."

In Section II(a)(3), the phrase "for that part of the system that will be directly

affected by the proposed new investment" is stricken and replaced with the following:

"[F]or the entire transit system."

Issue Date: November 5, 1997.

Gordon J. Linton,

Administrator.

[FR Doc. 97-29718 Filed 11-10-97; 8:45 am]

BILLING CODE 4910-57-P

Reader Aids

Federal Register

Vol. 62, No. 218

Wednesday, November 12, 1997

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-523-5227**E-mail **info@fedreg.nara.gov**

Laws

For additional information **523-5227**

Presidential Documents

Executive orders and proclamations **523-5227****The United States Government Manual** **523-5227**

Other Services

Electronic and on-line services (voice) **523-4534**Privacy Act Compilation **523-3187**TDD for the hearing impaired **523-5229**

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and list of documents on public inspection. **202-275-0920.**

FAX-ON-DEMAND

You may access our Fax-On-Demand service with a fax machine. There is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list is updated immediately for documents filed on an emergency basis.

NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, NW., Suite 700. The Fax-On-Demand telephone number is: **301-713-6905**

FEDERAL REGISTER PAGES AND DATES, NOVEMBER

59275-59558.....	3
59599-59772.....	4
59773-59990.....	5
59991-60154.....	6
60155-60450.....	7
60451-60636.....	8
60637-60762.....	9

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

7046.....	59559
7047.....	59773
7048.....	60153
7049.....	60637
7050.....	60761

Executive Orders:

13067.....	59989
------------	-------

5 CFR

1201.....	59991
1209.....	59992

Proposed Rules:

532.....	59300
630.....	59301

7 CFR

3.....	60451
29.....	60155
920.....	60156
922.....	60158
923.....	60158
924.....	60158

8 CFR

213a.....	60122
214.....	60122
299.....	60122

9 CFR

78.....	60639
92.....	60161
93.....	60161
94.....	60161
95.....	60161
96.....	60161
97.....	60161
98.....	60161
130.....	60161

Proposed Rules:

304.....	59304
308.....	59304
310.....	59304, 59305
320.....	59304
327.....	59304
381.....	59304, 59305
416.....	59304
417.....	59304

10 CFR

13.....	59275
32.....	59275
50.....	59275
51.....	59275
55.....	59275
60.....	59275
72.....	59275
110.....	59275
431.....	59978

11 CFR

Proposed Rules:

100.....	60047
----------	-------

12 CFR

204.....	59775
225.....	60639
325.....	60161
614.....	59779
619.....	59779

Proposed Rules:

3.....	59944
204.....	60671
208.....	59944
225.....	59944
325.....	59944
567.....	59944

14 CFR

25.....	59561, 60640
39.....	59277, 59280, 59565, 59566, 59780, 59781, 59993, 60161, 60451, 60642, 60643, 60644, 60645
71.....	59783, 60455, 60647
73.....	60456
97.....	60647, 60651, 60653
255.....	59784

Proposed Rules:

39.....	59310, 59826, 59827, 59829, 59830, 60047, 60049, 60183, 60184, 60186, 60188, 60189, 60191, 60193, 60051, 60315, 60460, 60461, 60462
71.....	60463
73.....	60463
255.....	59313, 60195

15 CFR

Proposed Rules:

303.....	59829
960.....	59317

16 CFR

1615.....	60163
1616.....	60163

17 CFR

Proposed Rules:

3.....	59624
32.....	59624
33.....	59624

18 CFR

4.....	59802
375.....	59802

19 CFR

101.....	60164
122.....	60164

20 CFR

416.....	59812
----------	-------

Proposed Rules:	874.....59639	142.....59388, 59486	73.....59605, 60664
404.....60672		260.....59332	74.....60025, 60664
21 CFR	32 CFR	268.....60465	78.....60664
173.....59281	311.....59578	300.....60058, 60199	80.....60664
16.....60614			87.....60664
520.....60656	33 CFR	41 CFR	90.....60664
558.....60657	100.....60177, 60178	105-60.....60014	95.....60664
900.....60614	165.....60178		97.....60664
Proposed Rules:	Proposed Rules:	42 CFR	101.....60664
514.....59830	100.....60197	424.....59818	Proposed Rules:
600.....59386			1.....60750
606.....59386	37 CFR	43 CFR	20.....60199
24 CFR	Proposed Rules:	11.....60457	21.....60199, 60750
203.....60124	2.....59640	1860.....59820	74.....60199, 60750
206.....60124	3.....59640	3710.....59821	90.....60199
26 CFR	38 CFR	Proposed Rules:	36.....59842
1.....60165	21.....59579	4700.....60467	
Proposed Rules:	Proposed Rules:	44 CFR	48 CFR
1.....60196	21.....60464	64.....59290, 60662	1515.....60664
29 CFR	39 CFR	46 CFR	1552.....60664
2204.....59568	111.....60180	Proposed Rules:	Proposed Rules:
4001.....60426	40 CFR	10.....60122	225.....59641
4006.....60426	52.....59284, 59995, 59996	15.....60122	252.....59641
4022.....60426	58.....59813		
4041.....60426	80.....59998, 60132	47 CFR	49 CFR
4050.....60426	81.....60001	1.....59822, 60025	199.....59297
30 CFR	180.....60660	5.....60664	385.....60035
870.....60138	260.....59287	21.....60025, 60664	
914.....59569	721.....59579	22.....60664	50 CFR
938.....60169	Proposed Rules:	23.....60664	17.....59605
946.....60658	52.....59331, 60052, 60318	24.....60664	679.....59298, 59623, 60182, 60667
Proposed Rules:	58.....59840	25.....59293	
50.....60673	63.....60566, 60674	26.....60664	Proposed Rules:
707.....59639	79.....60675	27.....60664	17.....59334, 60676
	80.....60052	42.....59583	222.....59335
	141.....59388, 59486	61.....59583	600.....59386
		64.....60034	648.....60676
			679.....59844, 60060, 60677

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT NOVEMBER 12, 1997**ENVIRONMENTAL PROTECTION AGENCY**

Acquisition regulations:

Profit or fee calculations; published 11-12-97

Air quality implementation plans; approval and promulgation; various States:

Ohio; published 9-12-97

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities: Corn gluten; published 11-12-97

FEDERAL RESERVE SYSTEM

Bank holding companies and change in bank control (Regulation Y):

Bank acquisition proposals, etc.; streamlining Correction; published 11-12-97

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

Animal drugs, feeds, and related products:

New drug applications—

Amprolium plus ethopabate with bacitracin zinc and roxarsone; published 11-12-97

Chlortetracycline powder; published 11-12-97

Lasalocid; published 11-12-97

Neomycin sulfate oral solution; published 11-12-97

INTERIOR DEPARTMENT Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Virginia; published 11-12-97

JUSTICE DEPARTMENT**Immigration and Naturalization Service**

Nonimmigrant classes:

Treaty trader and investor aliens; E classification; published 9-12-97

STATE DEPARTMENT

Visas; nonimmigrant documentation:

Substantial, definition; and treaty trader/investor visa classification principles; published 9-12-97

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Airworthiness directives:

Boeing; published 10-8-97

Hiller Aircraft Corp.; published 10-8-97

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Dairy products: grading, inspection, and standards:

Fee increases; comments due by 11-17-97; published 10-16-97

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

Interstate transportation of animals and animal products (quarantine):

Brucellosis in cattle and bison—

State and area classifications; comments due by 11-17-97; published 9-16-97

COMMERCE DEPARTMENT National Oceanic and Atmospheric Administration

Fishery conservation and management:

Magnuson Act provisions

Observer health and safety; comments due by 11-21-97; published 10-28-97

Northeastern United States fisheries—

New England Fishery Management Council; hearings; comments due by 11-17-97; published 10-15-97

Summer flounder, scup, and Black Sea bass; comments due by 11-17-97; published 10-20-97

Marine mammals:

Endangered fish or wildlife— North Atlantic right whale protection; comments due by 11-18-97; published 11-3-97

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Freedom of Information Act; implementation; comments due by 11-20-97; published 10-21-97

ENVIRONMENTAL PROTECTION AGENCY

Air pollution, hazardous; national emission standards: Steel pickling facilities; comments due by 11-17-97; published 9-18-97

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

New Mexico; comments due by 11-20-97; published 10-21-97

New Mexico et al.; comments due by 11-20-97; published 10-21-97

Air quality implementation plans; approval and promulgation; various States:

Pennsylvania; comments due by 11-18-97; published 9-23-97

Texas; comments due by 11-17-97; published 10-17-97

Virginia; comments due by 11-20-97; published 10-21-97

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Florida; comments due by 11-17-97; published 10-3-97

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Public and Indian Housing:

Reasonable revitalization potential assessment of public housing required by law; comments due by 11-21-97; published 9-22-97

INTERIOR DEPARTMENT Fish and Wildlife Service

Hunting and fishing:

Refuge-specific regulations; comments due by 11-17-97; published 10-16-97

MERIT SYSTEMS PROTECTION BOARD

Practices and procedures:

Original jurisdiction cases; delegation of authority, etc.; comments due by 11-17-97; published 9-16-97

SOCIAL SECURITY ADMINISTRATION

Social security benefits and supplemental security income:

Federal old age, survivors and disability insurance— Circuit court law; application; comments due by 11-17-97; published 9-18-97

STATE DEPARTMENT

Freedom of Information Act; implementation:

Information and records availability; time limits for responding to and consideration of requests for expedited processing; comments due by 11-17-97; published 9-17-97

TRANSPORTATION DEPARTMENT**Coast Guard**

Merchant marine officers and seamen:

Tankermen and persons in charge of dangerous liquids and liquefied gases transfers; qualifications— Compliance date delayed and comment request; comments due by 11-17-97; published 9-17-97

Ports and waterways safety:

Mississippi River and Mississippi River Gulf Outlet; port access routes; comments due by 11-19-97; published 8-21-97

TRANSPORTATION DEPARTMENT

Computer reservation systems, carrier owned

Expiration date extension; comments due by 11-18-97; published 11-3-97

Truth in airfares; comments due by 11-17-97; published 9-16-97

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Air traffic operating and flight rules, etc.:

Anchorage, AK; terminal area description revised; comments due by 11-17-97; published 10-1-97

Airworthiness directives:

Airbus; comments due by 11-17-97; published 10-17-97

Boeing; comments due by 11-17-97; published 9-17-97

CFM International; comments due by 11-18-97; published 9-19-97

Fokker; comments due by 11-20-97; published 10-21-97

Short Brothers plc; comments due by 11-17-97; published 10-17-97

Sikorsky; comments due by 11-17-97; published 9-18-97

Class D airspace; comments due by 11-17-97; published 10-17-97

Class E airspace; comments due by 11-17-97; published 10-17-97

TREASURY DEPARTMENT

Comptroller of the Currency

Fees assessment; national and District of Columbia banks; comments due by 11-20-97; published 10-21-97

TREASURY DEPARTMENT Internal Revenue Service

Income taxes:

Farming business, property produced; cross-reference; comments due by 11-20-97; published 8-22-97

Qualified nonrecourse financing; comments due by 11-19-97; published 8-13-97

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It

may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-523-6641. This list is also available online at <http://www.nara.gov/nara/fedreg/fedreg.html>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-2470). The text will also be made available on the Internet from GPO Access at <http://>

www.access.gpo.gov/su_docs/. Some laws may not yet be available.

H.J. Res. 101/P.L. 105-68

Making further continuing appropriations for the fiscal year 1998, and for other purposes. (Nov. 7, 1997; 111 Stat. 1453)

H.J. Res. 104/P.L. 105-69

Making further continuing appropriations for the fiscal year 1998, and for other purposes. (Nov. 9, 1997; 111 Stat. 1454)

Last List November 3, 1997